

# **ADDENDUM A**

**The Information Quality Act, Pub. L. No. 106-554, §1(a)(3) [title V, Sec. 515(a)], 114 Stat. 2763, 2763A-153 (2000)), reprinted in 44 U.S.C. §3516, Statutory and Historical Notes**

**(a) In general.**—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

**(b) Content of guidelines.**—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) Require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

# **ADDENDUM B**

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50–338, 339, 280, and 281]

**Virginia Electric Power Company, North Anna, Units 1 and 2, and Surry, Units 1 and 2; Notice of Receipt of Application for Renewal of Facility Operating License Nos. NPF–4, NPF–7, DPR–32, AND DPR–37 for an Additional 20-Year Period**

The Nuclear Regulatory Commission has received applications from Virginia Electric Power Company, dated May 29, 2001, filed pursuant to Section 104b of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 54 for renewal of Operating License Nos. NPF–4, NPF–7, DPR–32, and DPR–37, which authorize the applicant to operate North Anna Nuclear Station, Units 1 and 2, and Surry Nuclear Station, Units 1 and 2, respectively. The North Anna nuclear facility is located 40 miles northwest of Richmond, VA, in Louisa County. The current operating licenses for North Anna, Units 1 and 2, expire on April 1, 2018, and August 21, 2020, respectively. The Surry nuclear facility is located 17 miles northwest of Newport News, VA, in Surry County. The operating licenses for Surry, Units 1 and 2, expire on May 25, 2012, and January 29, 2013, respectively. All four Virginia Electric Power Company nuclear units are three-loop pressurized-water reactors designed by Westinghouse. The acceptability of the tendered applications for docketing and other matters, including an opportunity to request a hearing will be the subject of a subsequent **Federal Register** notice.

A copy of the applications are available electronically for public inspection at the Commission’s Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records (PARS) component of the NRC’s Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html>. In addition, the applications are available on the NRC web page at <http://www.nrc.gov/NRC/REACTOR/LR/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The staff has verified that a copy of the license renewal application for the North Anna nuclear station has been

provided to the Alderman Library at the University of Virginia, and that a copy of the license renewal application for the Surry nuclear station has been provided to the Swem Library at the College of William and Mary.

Dated at Rockville, Maryland, the 22nd day of June 2001.

For the Nuclear Regulatory Commission.  
**Christopher I. Grimes,**  
*Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 01–16265 Filed 6–27–01; 8:45 am]

**BILLING CODE 7590–01–P**

**OFFICE OF MANAGEMENT AND BUDGET**

**Proposed Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies**

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Proposed guidelines.

**SUMMARY:** This notice requests comment on proposed guidelines for implementing Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554). Section 515 directs the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.” Within one year after OMB issues these guidelines, agencies must issue their own implementing guidelines that include “administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency” that does not comply with the OMB guidelines.

**DATES:** Comments must be received by August 13, 2001.

**ADDRESSES:** Comments on the proposed guidelines should be addressed to Brooke Dickson of the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Brooke Dickson at phone: (202) 395–3191; fax: (202) 395–5167; e-mail: [informationquality@omb.eop.gov](mailto:informationquality@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** In Section 515(a) of the Treasury and General

Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658), Congress directed the Office of Management and Budget (OMB) to issue, by September 30, 2001, government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.” Section 515(b) goes on to state that the OMB guidelines shall:

- (1) Apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and
- (2) Require that each Federal agency to which the guidelines apply—
  - (A) Issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);
  - (B) Establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and
  - (C) Report periodically to the Director—
    - (i) The number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and
    - (ii) How such complaints were handled by the agency.

**Background**

The focus of Section 515 is on the Federal Government’s information dissemination activities. Indeed, 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, however, Federal information dissemination has grown due to the advent of the Internet, which has ushered in a revolution in communications. The Internet has enabled Federal agencies to disseminate an ever increasing amount of information. Congress has strongly encouraged the Executive Branch’s dissemination efforts in statutes that include particular dissemination activities and in the government-wide dissemination provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) (the PRA). In addition, the Executive Branch’s strong support for information dissemination is reflected in the dissemination provisions of OMB Circular A–130, “Management of Federal Information Resources.”

Section 515 builds upon the existing agency responsibility to assure information quality. According to the PRA, agency Chief Information Officers (CIOs) 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.” Before an agency collects information from 10 or more persons, the agency must seek public comment “to enhance the quality, utility, and clarity of the information to be collected.” The agency then must obtain OMB approval that is based upon an evaluation of the agency’s need for the information, the “practical utility” of the information to be collected, and the burden that would be imposed on the public in responding to the collection. The CIO must certify to OMB that the agency, “to the maximum extent practicable, uses information technology to reduce burden and improve data quality.”

In developing the proposed guidelines to implement Section 515, OMB recognizes that Federal agencies disseminate many types of information in many different ways. Even numerous examples can only begin to describe the breadth of information disseminated by the Federal government. Agencies disseminate statistical information, such as the aggregated information from the 2000 Census and the monthly and quarterly economic reports issued by the Bureau of Economic Analysis and the Bureau of Labor Statistics. Agencies disseminate information that aids members of the public in their daily activities, such as the National Weather Service’s weather reports and the FAA’s air travel advisories. Agencies disseminate information that they collect from regulated entities, such as EPA’s dissemination of Toxic Release Inventory information. Agencies disseminate information that they create or obtain in the course of developing regulations, often involving scientific research and economic analysis. Agencies disseminate information when they issue reports and studies. Moreover, agencies provide the public with basic descriptions of agency authorities, activities and programs, along with the contact information for the public to interact with and access that information or those services.

#### Underlying Principles

In accordance with Section 515, OMB has designed the proposed guidelines to help agencies ensure and maximize the

quality, utility, objectivity and integrity of the information that they disseminate. It is crucial that Federal agencies disseminate information that meets these standards. In this respect, the fact that the Internet enables persons to communicate information quickly and easily to a wide audience not only offers great benefits to society, but also increases the potential harm that can result from the dissemination of information that does not meet OMB and agency information quality standards. Recognizing the wide variety of information Federal agencies disseminate and the wide variety of dissemination practices that agencies have, OMB has developed the proposed guidelines with several principles in mind.

First, OMB has designed the proposed guidelines to apply to a wide variety of government-wide dissemination activities, ranging in importance and scope, through each agency’s issuance of guidelines tailored to that agency’s programs, dissemination activities, and information resources management and administrative practices. OMB has also designed the proposed guidelines to be generic enough to fit all media, be they in printed, electronic, or other form. OMB has sought to avoid the problems that would be inherent in attempting to develop detailed, prescriptive, “one-size-fits-all” government-wide guidelines that would artificially require different types of dissemination activities to be treated in the same manner.

Second, OMB has designed the guidelines so that agencies will meet basic information quality standards. Given the administrative mechanisms required by Section 515 as well as the standards set forth in the PRA, it is clear that agencies should not disseminate information that does not meet some basic level of quality. We recognize that some government information may need to meet higher or more specific information quality standards than those that would apply to other types of government information. The more important the information, the higher the quality standards to which it should be held. The guidelines recognize, however, that information quality comes at a cost. Accordingly, the agencies should weigh the costs (for example, including costs attributable to agency processing effort, respondent burden, maintenance of needed privacy, and assurances of suitable confidentiality) and the benefits of higher information quality in the development of such information, and the level of quality to which the information disseminated will be held.

Third, OMB has designed the proposed guidelines so that agencies can apply them in a common-sense and workable manner. It is important that these guidelines do not impose unnecessary administrative burdens that would inhibit agencies from continuing to take advantage of the Internet and other technologies to disseminate information that can be of great benefit and value to the public. In this regard, OMB encourages agencies to rely, to the extent possible, upon existing agency processes for evaluating information dissemination activities rather than require the creation of new and potentially duplicative or contradictory processes. The primary example of this is that the proposed guidelines recognize that, in accordance with OMB Circular A-130, agencies already have in place well-established information quality standards and administrative mechanisms that allow persons to seek and obtain correction of information that is maintained and disseminated by the agency. Under the proposed guidelines, agencies may continue to rely on such administrative mechanisms if they satisfy the standards in the guidelines. Similarly, agencies may rely on their implementation of the Federal Government’s computer security laws (formerly, the Computer Security Act, and now the computer security provisions of the PRA) to establish appropriate security safeguards for ensuring the “integrity” of the information that the agencies disseminate.

#### Summary of Proposed Guidelines

These proposed guidelines direct agencies to develop information resources management procedures for reviewing and documenting for users the quality (including the objectivity, utility, and integrity) of information before it is disseminated. In addition, agencies are to establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the OMB guidelines. Consistent with the underlying principles we describe above, these guidelines stress the importance of having agencies apply these standards and develop their administrative mechanisms so they can be implemented in a common sense and workable manner. Moreover, agencies must apply these standards flexibly, consonant with existing agency information resources management and administrative practices, and appropriate to the nature of the information to be disseminated.

Section 515 denotes four substantive terms regarding information disseminated by Federal agencies: quality, utility, objectivity, and integrity. It is not always clear how each substantive term relates—or how the four terms in aggregate relate—to the widely divergent types of information that agencies disseminate. We have proposed a definition that attempts to establish a clear meaning so that both the agency and the public can readily judge whether a particular type of information to be disseminated does or does not meet these attributes. We specifically request comment on this definition and how it can be made clearer and less ambiguous for the agency and the public.

In the proposed guidelines, OMB points out that “quality,” “utility,” “objectivity,” and “integrity” are closely interrelated concepts. Collectively, these terms address the following three aspects of the information that is to be disseminated: whether the information is useful to all users of the information, including the public; whether the disseminated information is being presented in an accurate, clear, complete, and unbiased manner; and whether the information has been protected from unauthorized access or revision. OMB modeled the draft definitions of “information,” “government information,” “information dissemination product,” and “dissemination” on the longstanding definitions of those terms in OMB Circular A–130, but tailored them to fit into the context of these guidelines.

In addition, agencies have two reporting requirements. The first report, drafted no later than one year after the issuance of these OMB guidelines, must provide the agency’s information quality guidelines that describe administrative mechanisms allowing affected persons to seek and obtain the correction of disseminated information that does not comply with these OMB guidelines. The second report is an annual report (starting a year after the issuance of the first report) detailing the number, nature, and resolution of complaints received by the agency regarding its perceived or confirmed failure to comply with these OMB guidelines.

#### Request for Comments

OMB has sought to craft standards and information resources management and administrative practices for ensuring information quality, utility, objectivity, and integrity that are rigorous, but that do not impose undue administrative burdens or hurdles that would inhibit or deter agencies from

disseminating information that can be of great benefit to the public. The purpose of Section 515 is not to stifle information dissemination but to ensure that the public can justifiably have confidence in the information that Federal agencies disseminate and that affected persons will have administrative mechanisms for identifying problems and having the agencies take corrective action. OMB invites comments on whether the proposed guidelines have struck the appropriate balance, and suggestions for how the guidelines can be improved in this regard.

In addition, OMB specifically requests comments on the following questions:

- Federal agencies disseminate many types of information for many types of programs and functions. Should the OMB guidelines devote particular attention to specific types of information or information dissemination products? If so, please identify the areas where specific focus should be directed, explain why the focus is needed or is desirable, and describe any guidelines that you recommend for those areas.
- Should OMB develop specific guidelines to address information that Federal agencies disseminate from a web page? Is there any need to adapt these guidelines to the agency use of a web page? If so, what guidelines are needed?

OMB appreciates any comments on these and any other aspects of the proposed guidelines. After considering the comments that are received, OMB will develop and issue the final guidelines by September 30, 2001.

Dated: June 20, 2001.

**Donald R. Arbuckle,**

*Deputy Administrator, Office of Information and Regulatory Affairs.*

### **Proposed Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies**

#### *I. OMB Responsibilities*

Section 515 of the Treasury and General Government Appropriations Act for FY2001 (Pub. L. 106–554) directs the Office of Management and Budget to issue government-wide guidelines that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies.

#### *II. Agency Responsibilities*

Section 515 directs agencies to—

1. Issue their own information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency no later than one year after the date of issuance of the OMB guidelines;

2. Establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with these OMB guidelines; and

3. Report to the Director of OMB the number and nature of complaints received by the agency regarding agency compliance with these OMB guidelines concerning the quality (including the objectivity, utility, and integrity) of information and how such complaints were resolved.

#### *III. Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*

1. Overall, agencies should adopt a high standard of quality (including objectivity, utility, and integrity) as a performance goal and should take appropriate steps to incorporate information quality criteria into agency information dissemination practices. Quality is to be ensured and established at levels appropriate to the nature of the information to be disseminated.

2. As a matter of good and effective agency information resources management, agencies should develop a process for reviewing and documenting for users the quality (including the objectivity, utility, and integrity) of information before it is disseminated. Agencies should treat information quality as integral to every step of an agency’s use of information, including creation, collection, maintenance, and dissemination. This process should enable the agency to attest to the quality of the information it has disseminated.

*Discussion.* Agencies may want to consider developing different processes to address different types of information. Many statistical and research organizations already possess a wealth of quality standards and evaluative processes that agencies may want to draw from. For example, OMB has issued “Guidelines to Standardize Measures of Costs and Benefits and the Format of Accounting Statements” (OMB Memorandum M–00–08, March 22, 2000) to standardize the way agencies should measure the benefits and costs of Federal regulatory actions.

In a larger information management context, agencies should consider using their Enterprise Architecture (EA) (as

required by the Information Technology Management Reform Act (Public Law 104–106) also known as “Clinger-Cohen”) to help determine how existing resources can best fill needs for quality data.

3. As a matter of citizen review, agencies should establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with these OMB guidelines. These administrative mechanisms should be consonant with established agency practice, flexible, and appropriate to the nature of the disseminated information.

#### IV. Agency Reporting Requirements

*Discussion.* The reporting requirements imposed on agencies by Section 515 build upon Section 9(a)(4) of OMB Circular A–130, “Management of Federal Information Resources.” Under that provision, agency Chief Information Officers must:

“Monitor agency compliance with the policies, procedures, and guidance in this Circular. Acting as an ombudsman, the Chief Information Officer must consider alleged instances of agency failure to comply with this Circular, and recommend or take appropriate action. The Chief Information Officer will report instances of alleged failure and their resolution annually to the Director of OMB, by February 1st of each year.” (65 FR 77684, December 12, 2000).

1. The Chief Information Officer (CIO) of each agency serves as an ombudsman in resolving complaints about the agency’s compliance with Circular A–130, and, consistent with agency practice and existing organizational responsibilities, with these guidelines.

2. The agency should respond in written form to the complainant.

3. The agency must draft a report, no later than one year after the issuance of these OMB guidelines, providing the agency information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency. This report also must detail the administrative mechanisms developed by that agency to allow affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with these OMB guidelines.

4. The agency must submit this draft report to the Director of OMB for review. Upon completion of that review and completion of this report, agencies must publish notice of the availability of this report in the **Federal Register**, and

post this report on the agency’s web site (in a way similar to the Freedom of Information Act citizen handbooks that each agency maintains in its electronic reading room).

5. On an annual basis (starting a year after the issuance of the first report in the **Federal Register**), each agency must submit a report to the Director of OMB detailing the number and nature of complaints received by the agency regarding agency compliance with these OMB guidelines concerning the quality (including the objectivity, utility, and integrity) of information and how such complaints were resolved. Agencies should submit these reports under the reporting requirement for the Government Performance and Results Act (GPRA).

#### V. Definitions

1. “Quality,” “Utility,” “Objectivity,” and “Integrity” are closely interrelated concepts. Collectively, these terms address the following three aspects of the information that is to be disseminated:

A. Whether the information is useful to all users of the information, 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. As a result, when the issues of the reproducibility and transparency of the information are relevant for assessing the information’s usefulness from the public’s perspective, the agency must take care to ensure that reproducibility and transparency have been taken into account. For disseminated information to be useful, the presentation should clearly reflect the quality of the information.

*Discussion.* In developing and reviewing proposed collections of information under the PRA, OMB and the agencies have for the past 20 years evaluated collections under the rubric of “practical utility.” As agencies and OMB have interpreted the PRA definition of “practical utility” over the past 20 years, it is clear that it has focused not only on usefulness to the agency, but also—as appropriate—on usefulness to the public. In the context of Section 515, with the emphasis on dissemination to the public, the focus is expanded explicitly to include a dimension of the usefulness of the information to those to whom the agency disseminates it.

B. Whether the disseminated information is being presented in an

accurate, clear, complete, and unbiased manner.

i. This involves 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. Also, the agency needs to identify the sources of the disseminated information (to the extent possible, consistent with confidentiality protections), so that the public can assess for itself whether there may be some reason to question the objectivity of the sources.

ii. In addition, in the context of scientific and statistical information, this also involves a focus on assuring accurate, reliable, and unbiased information.

a. With respect to scientific research information, the results must be substantially reproducible upon independent analysis of the underlying data.

b. In a statistical context, the information was obtained using sound statistical methods and error sources affecting data quality are identified and disclosed to users.

C. Whether the information has been protected from unauthorized access or revision, to ensure that the information is not compromised through corruption, or falsification.

(For ease of reference, the Guidelines will sometimes refer to these four statutory terms, collectively, as “quality.”)

2. “Information” means any communication or representation of knowledge such as facts, data, or opinions 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 others disseminate.

3. “Government information” means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

4. “Information dissemination product” means any book, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, an agency disseminates to the public. This definition includes any electronic document, CD–ROM, or web page.

5. “Dissemination” means the government initiated distribution of information to the public. Dissemination does not include

distribution 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 (5 U.S.C. 552) or Privacy Act. This definition also does not include distribution limited to replies to correspondence, and subpoenas or judicial process.

[FR Doc. 01-16227 Filed 6-27-01; 8:45 am]

BILLING CODE 3110-01-P

## POSTAL SERVICE BOARD OF GOVERNORS

### Sunshine Act Meeting

**TIMES AND DATES:** 10 a.m., Monday, July 9, 2001; 9 a.m., Tuesday, July 10, 2001.

**PLACE:** Evansville, Indiana, at the Aztar Hotel, 421 Northwest Riverside Drive, in the Las Vegas and Atlantic City Rooms.

**STATUS:** July 9 (Closed); July 10 (Open).

#### MATTERS TO BE CONSIDERED:

Monday, July 9-10 a.m. (Closed)

1. Financial Performance.
2. Fiscal Year 2002 Establish/Deploy Report.
3. Fiscal Year 2002 EVA Pay for Performance Program.
4. Fiscal Year 2002 Financial Outlook.
5. Rate Case Briefing.
6. EEO Feasibility Study.
7. Update on Five-Day Delivery Study.
8. Strategic Planning.
9. Comprehensive Issues.
10. Personnel Matters.

Tuesday, July 10-9 a.m. (Open)

1. Minutes of the Previous Meeting, June 4-5, 2001.
2. Remarks of the Postmaster General and CEO.
3. Quarterly Report on Service Performance.
4. Capital Investments.
  - a. Bethesda, West Bethesda Branch, Maryland.
  - b. Fairfax, Virginia, Main Post Office.
5. Report on the Kentuckiana Performance Cluster.
6. Tentative Agenda for the August 6, and September 10-11, 2001, meetings in Washington, DC.

**CONTACT PERSON FOR MORE INFORMATION:** David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC. 20260-1000. Telephone (202) 268-4800.

**David G. Hunter,**  
Secretary.

[FR Doc. 01-16456 Filed 6-26-01; 2:06 pm]

BILLING CODE 7710-12-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

(1) *Collection title:* Employer Reporting.

(2) *Form(s) submitted:* AA-12, G-88A.1, G-88A.2, Ba-6a.

(3) *OMB Number:* 3220-0005.

(4) *Expiration date of current OMB clearance:* 11/30/2003.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Business or other for profit, individuals or households.

(7) *Estimated annual number of respondents:* 2,968.

(8) *Total annual responses:* 2,968.

(9) *Total annual reporting hours:* 474.

(10) *Collection description:* Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, railroad employers are required to report service and compensation for employees needed to determine eligibility to and amount of benefits paid.

#### Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 and the OMB reviewer, Joe Lackey (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

**Chuck Mierzwa,**  
Clearance Officer.

[FR Doc. 01-16275 Filed 6-27-01; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Existing Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, D.C. 20549.

Extension:

Rule 17j-1, SEC File No. 270-239, OMB Control No. 3235-0224

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17j-1 [17 CFR 270.17j-1] under the Investment Company Act of 1940 (15 U.S.C. 80a) (the "Investment Company Act"), which the Commission adopted in 1980<sup>1</sup> and amended in 1999,<sup>2</sup> implements section 17(j) of the Act, which makes it unlawful for persons affiliated with a registered investment company or with the investment company's investment adviser or principal underwriter (each, a "17j-1 organization"), in connection with the purchase or sale of securities held or to be acquired by the investment company, to engage in any fraudulent, deceptive, or manipulative act or practice in contravention of the Commission's rules and regulations. Section 17(j) also authorizes the Commission to promulgate rules requiring the rule 17j-1 organizations to adopt codes of ethics.

In order to implement section 17(j), rule 17j-1 imposes certain requirements on 17j-1 organizations and "Access Persons"<sup>3</sup> of those organizations. The rule prohibits fraudulent, deceptive or manipulative acts by persons affiliated with a rule 17j-1 organization in connection with their personal securities transactions in securities held or to be acquired by the fund. The rule requires each 17j-1 organization, unless it is a money market fund or a fund that

<sup>1</sup> Prevention of Certain Unlawful Activities With Respect To Registered Investment Companies, Investment Company Act Release No. 11421 (Oct. 31, 1980) [45 FR 73915 (Nov. 7, 1980)].

<sup>2</sup> Personal Investment Activities of Investment Company Personnel, Investment Company Act Release No. 23958 (Aug. 20, 1999) [64 FR 46821-01 (Aug. 27, 1999)].

<sup>3</sup> Rule 17j-1(a)(1) defines an "access person" as "any director, officer, general partner, or advisory person of a fund or of a fund's investment adviser" and as "any director, officer, or general partner of a principal underwriter who, in the ordinary course of business, makes, participates in or obtains information regarding, the purchase or sale of Covered Securities by the Fund for which the principal underwriter acts, or whose functions or duties in the ordinary course of business relate to the making of any recommendation to the Fund regarding the purchase or sale of Covered Securities."



## **ADDENDUM C**

**OFFICE OF MANAGEMENT AND BUDGET**

**Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies**

**AGENCY:** Executive Office of the President, Office of Management and Budget.

**ACTION:** Final guidelines, with request for comments.

**SUMMARY:** These guidelines implement section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554). Section 515 directs the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.” Within one year after OMB issues these guidelines, agencies must issue their own implementing guidelines that include “administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency” that does not comply with the OMB guidelines. OMB is also requesting additional comment for 30 days on the “capable of being substantially reproduced” standard (paragraphs V.3.B, V.9, and V.10) which is issued on an interim final basis.

**DATES:** *Effective Date:* October 1, 2001.

*Comment Date:* Comments on the “capable of being substantially reproduced” standard in paragraphs V.3.B, V.9, and V.10 must be submitted by October 29, 2001.

**ADDRESSES:** Please submit comments to Brooke J. Dickson of the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments can also be e-mailed to [informationquality@omb.eop.gov](mailto:informationquality@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Brooke J. Dickson, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Telephone (202) 395-3785.

**SUPPLEMENTARY INFORMATION:** In section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554; H.R. 5658), Congress directed the Office of Management and Budget (OMB) to issue, by September 30, 2001, government-wide guidelines that

“provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies \* \* \*.” Section 515(b) goes on to state that the OMB guidelines shall:

“(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

“(2) require that each Federal agency to which the guidelines apply—

“(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

“(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

“(C) report periodically to the Director—

“(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

“(ii) how such complaints were handled by the agency.”

These guidelines are to be issued “under sections 3504(d)(1) and 3516” of the Paperwork Reduction Act of 1995; pursuant to section 3503 of that Act, the authorities of the OMB Director are carried out by the Administrator of the Office of Information and Regulatory Affairs.

**Background**

The focus of section 515 is on the Federal Government’s information dissemination activities. Indeed, 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, however, Federal information dissemination has grown due to the advent of the Internet, which has ushered in a revolution in communications. The Internet has enabled Federal agencies to disseminate an ever-increasing amount of information. Congress has strongly encouraged the Executive Branch’s dissemination efforts in statutes that include particular dissemination activities and in the government-wide dissemination provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) (the PRA). In addition, the Executive Branch’s strong

support for information dissemination is reflected in the dissemination provisions of OMB Circular A-130, “Management of Federal Information Resources,” as well as in the provisions in OMB Circular A-110, “Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations,” related to a Freedom of Information Act request for research data relating to published research findings produced under an award that were used by the Federal Government in developing an agency action that has the force and effect of law (64 FR 54926; October 8, 1999).

Section 515 builds upon the existing agency responsibility to ensure information quality. According to the PRA, agency Chief Information Officers (CIOs) 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.” Before an agency collects information from 10 or more persons, the agency must seek public comment “to enhance the quality, utility, and clarity of the information to be collected.” The agency then must obtain OMB approval that is based upon an evaluation of the agency’s need for the information, the “practical utility” of the information to be collected, and the minimization of burden that would be imposed on the public in responding to the collection. The CIO must certify to OMB that the agency, “to the maximum extent practicable, uses information technology to reduce burden and improve data quality.”

In developing these guidelines to implement section 515, OMB recognized that Federal agencies disseminate many types of information in many different ways. A few examples can only begin to describe the breadth of information disseminated by the Federal government. Agencies disseminate statistical information, such as the aggregated information from the 2000 Census and the monthly and quarterly economic reports issued by the Bureau of Economic Analysis and the Bureau of Labor Statistics. Agencies disseminate information that aids members of the public in their daily activities, such as the National Weather Service’s weather reports and the FAA’s air travel advisories. Agencies disseminate information about health, safety, and environmental risks and information that they collect from regulated entities, such as EPA’s

dissemination of Toxic Release Inventory information. Agencies also disseminate technical information that they create or obtain in the course of developing regulations, often involving scientific, engineering, and economic analysis. Agencies disseminate information when they issue reports and studies. Moreover, agencies provide the public with basic descriptions of agency authorities, activities and programs, along with the contact information for the public to interact with and access that information or those services.

### Underlying Principles

In accordance with section 515, OMB has designed the guidelines to help agencies ensure and maximize the quality, utility, objectivity and integrity of the information that they disseminate (meaning to share with, or give access to, the public). It is crucial that information Federal agencies disseminate meets these guidelines. In this respect, the fact that the Internet enables agencies to communicate information quickly and easily to a wide audience not only offers great benefits to society, but also increases the potential harm that can result from the dissemination of information that does not meet basic information quality guidelines. Recognizing the wide variety of information Federal agencies disseminate and the wide variety of dissemination practices that agencies have, OMB developed the guidelines with several principles in mind.

First, OMB designed the guidelines to apply to a wide variety of government information dissemination activities that may range in importance and scope. OMB also designed the guidelines to be generic enough to fit all media, be they printed, electronic, or in other form. OMB sought to avoid the problems that would be inherent in developing detailed, prescriptive, "one-size-fits-all" government-wide guidelines that would artificially require different types of dissemination activities to be treated in the same manner. Through this flexibility, each agency will be able to incorporate the requirements of these OMB guidelines into the agency's own information resource management and administrative practices.

Second, OMB designed the guidelines so that agencies will meet basic information quality standards. Given the administrative mechanisms required by section 515 as well as the standards set forth in the PRA, it is clear that agencies should not disseminate substantive information that does not meet a basic level of quality. We recognize that some government information may need to meet higher or more specific

information quality standards than those that would apply to other types of government information. The more important the information, the higher the quality standards to which it should be held, for example, in those situations involving "influential scientific or statistical information" (a phrase defined in these guidelines). The guidelines recognize, however, that information quality comes at a cost. Accordingly, the agencies should weigh the costs (for example, including costs attributable to agency processing effort, respondent burden, maintenance of needed privacy, and assurances of suitable confidentiality) and the benefits of higher information quality in the development of information, and the level of quality to which the information disseminated will be held.

More specifically, the OMB guidelines state that "agencies shall have a basic standard of quality (including objectivity, utility, and integrity) as a performance goal \* \* \*". We note, in the scientific context, that in 1996 the Congress, for health decisions under the Safe Drinking Water Act, has already adopted a basic standard of quality for the use of science in agency decisionmaking. Under 42 U.S.C. 300g-1(b)(3)(A), an agency is directed, "to the degree that an Agency action is based on science," to use "(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and (ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data)." We also note that the OMB guidelines call for an additional level of quality "in those situations involving influential scientific or statistical information." The additional level of quality concerns a standard of care for scientific or statistical analytical results, a "capable of being substantially reproduced" standard that is discussed below.

We further note that in the 1996 amendments to the Safe Drinking Water Act the Congress adopted a basic quality standard for the dissemination of public information about risks of adverse health effects. Under 42 U.S.C. 300g-1(b)(3)(B), the agency is directed, "to ensure that the presentation of information [risk] effects is comprehensive, informative, and understandable." The agency is further directed, "in a document made available to the public in support of a regulation [to] specify, to the extent practicable— (i) each population addressed by any estimate [of applicable risk effects]; (ii) the expected risk or central estimate of

risk for the specific populations [affected]; (iii) each appropriate upper-bound or lower-bound estimate of risk; (iv) each significant uncertainty identified in the process of the assessment of [risk] effects and the studies that would assist in resolving the uncertainty; and (v) peer-reviewed studies known to the [agency] that support, are directly relevant to, or fail to support any estimate of [risk] effects and the methodology used to reconcile inconsistencies in the scientific data." We urge each agency in developing its guidelines to evaluate whether adopting or adapting these basic Congressional standards would be appropriate for judging the quality of disseminated scientific or statistical information.

Third, OMB designed the proposed guidelines so that agencies can apply them in a common-sense and workable manner. It is important that these guidelines do not impose unnecessary administrative burdens that would inhibit agencies from continuing to take advantage of the Internet and other technologies to disseminate information that can be of great benefit and value to the public. In this regard, OMB encourages agencies to incorporate the standards and procedures required by these guidelines into their existing information resources management and administrative practices rather than create new and potentially duplicative or contradictory processes. The primary example of this is that the guidelines recognize that, in accordance with OMB Circular A-130, agencies already have in place well-established information quality standards and administrative mechanisms that allow persons to seek and obtain correction of information that is maintained and disseminated by the agency. Under the OMB guidelines, agencies need only ensure that their own guidelines are consistent with these OMB guidelines, and then ensure that their administrative mechanisms satisfy the standards and procedural requirements in the new agency guidelines. Similarly, agencies may rely on their implementation of the Federal Government's computer security laws (formerly, the Computer Security Act, and now the computer security provisions of the PRA) to establish appropriate security safeguards for ensuring the "integrity" of the information that the agencies disseminate.

### Summary of OMB Guidelines

These guidelines apply to Federal agencies subject to the Paperwork Reduction Act (44 U.S.C. chapter 35). Agencies are directed to develop information resources management

procedures for reviewing and substantiating (by documentation or other means selected by the agency) the quality (including the objectivity, utility, and integrity) of information before it is disseminated. In addition, agencies are to establish administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of information disseminated by the agency that does not comply with the OMB or agency guidelines. Consistent with the underlying principles described above, these guidelines stress the importance of having agencies apply these standards and develop their administrative mechanisms so they can be implemented in a common sense and workable manner. Moreover, agencies must apply these standards flexibly, and in a manner appropriate to the nature and timeliness of the information to be disseminated, and incorporate them into existing agency information resources management and administrative practices.

Section 515 denotes four substantive terms regarding information disseminated by Federal agencies: quality, utility, objectivity, and integrity. It is not always clear how each substantive term relates—or how the four terms in aggregate relate—to the widely divergent types of information that agencies disseminate. The guidelines provide definitions that attempt to establish a clear meaning so that both the agency and the public can readily judge whether a particular type of information to be disseminated does or does not meet these attributes.

In the guidelines, OMB defines “quality” as the encompassing term, of which “utility,” “objectivity,” and “integrity” are the constituents. “Utility” refers to the usefulness of the information to the intended users. “Objectivity” focuses on whether the disseminated information is being presented in an accurate, clear, complete, and unbiased manner, and as a matter of substance, is accurate, reliable, and unbiased. “Integrity” refers to security—the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. OMB modeled the definitions of “information,” “government information,” “information dissemination product,” and “dissemination” on the longstanding definitions of those terms in OMB Circular A–130, but tailored them to fit into the context of these guidelines.

In addition, agencies have two reporting requirements. The first report,

implemented no later than one year after the issuance of these OMB guidelines (no later than October 1, 2002), must provide the agency’s information quality guidelines that describe administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of disseminated information that does not comply with the OMB and agency guidelines. The second report is an annual fiscal year report to OMB (to be first submitted on January 1, 2004) providing information (both quantitative and qualitative, where appropriate) on the number, nature, and resolution of complaints received by the agency regarding its perceived or confirmed failure to comply with these OMB and agency guidelines.

#### Public Comments and OMB Response

Section 515(a) required OMB to provide the public and the Federal agencies the opportunity to comment on these guidelines. OMB worked with Federal agencies, through a working group and through an inter-agency comment process, in the development of the proposed guidelines. The proposed guidelines were published in the **Federal Register** on June 28, 2001 (66 FR 34489) providing a public comment period of 45 days. OMB received a total of 100 comments from academic institutions (36), Federal agencies (26), individual members of the public (7), associations affiliated with academia (5), associations affiliated with medical, social science or science interests (15), associations affiliated with Federal Government interests (4), and associations affiliated with industry interests (7).

*General Concerns.* Many comments expressed support for the idea of government-wide quality standards for information disseminated by Federal agencies. Comments also expressed support for OMB’s commitment to creating flexible general guidelines and to minimizing the administrative costs and burdens that these guidelines will impose. The majority of comments focused on two aspects of the proposed guidelines: suggestions for placing limitations on the administrative correction mechanisms requirements of the statute; and the need to clarify specific definitions and other terms found in the guidelines.

Many comments raised questions and concerns about how these guidelines interact with existing statutes and policies, including the Paperwork Reduction Act and the Government Performance and Results Act. We have attempted to draft these guidelines in a way that addresses the requirements of

section 515, but does not impose a completely new and untried set of standards upon Federal agencies. We encourage agencies to consider the effect of relevant existing statutes and policies in the development of their own guidelines.

*Administrative Mechanisms.* These guidelines require agencies to establish administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of information maintained and disseminated by the agency that does not comply with the OMB guidelines. Many comments suggested that limits be imposed on the types of information that should be subject to these guidelines, in particular, information that is disseminated by agency libraries. OMB agrees that archival information disseminated by Federal agency libraries (for example, Internet distribution of published articles) should not be covered by these guidelines, given that libraries do not endorse the information that they disseminate. Moreover, an agency’s dissemination of public filings (for example, corporate filings with the Securities and Exchange Commission) is not covered by these guidelines. In each of these situations, the agencies have not authored these documents and have not adopted them as representing the agencies’ views. By disseminating these materials, the agencies are simply ensuring that the public can have quicker and easier access to materials that are publicly available. In developing its implementing guidelines, and in accordance with the criteria set forth in these guidelines, each agency should evaluate and identify the types of information that it disseminates that will be subject to its guidelines.

In addition, comments also raised the concern that the guidelines would apply to “preliminary” information, and they recommended that the guidelines exclude such information. OMB appreciates the concerns that these comments have raised. However, OMB does not believe that an exclusion for “preliminary” information is necessary or appropriate. It is still important that the quality of preliminary information be ensured and that preliminary information be subject to the administrative complaint-and-correction process.

A few comments stated that affected information should be limited to information used in agency rulemaking. While this has been the position of previous policies which these guidelines are not intended to modify or replace (*see, e.g.,* section \_\_.36(d) in OMB Circular A–110), we believe the

plain meaning and intent of section 515 covers the larger government information universe.

Based on the public comments received, these guidelines allow agencies to determine the appropriate level of correction for a complaint received. Several comments suggested that agencies use disclaimers to distinguish the status of information, a practice that agencies should consider adopting as they consider their information holdings.

OMB received detailed discussion on the requirement that agencies develop administrative mechanisms allowing for affected persons to "seek and obtain correction of information that does not comply with OMB's guidelines." Members of the scientific community expressed strong concerns about the possibility of a Federal agency that would "correct" scientific information without carrying out the scientific analysis to support the correction. Comments from all fields suggested in various ways that challenging individuals should be "required to openly state his/her relationship with the data/information (familiarity/expertise) and provide information [as] to his/her interest in it."

Comments also pointed out great potential for abuse of this process. As one association summarized, "This could be seen to provide grounds for interested parties to demand access to underlying data, to compel the government to replicate research findings (at great expense and with unnecessary delay), or in other ways impede, discredit, harass or stymie research." For example, the National Oceanic and Atmospheric Administration (NOAA) explained that they receive numerous complaints from the public when they miss a weather forecast. "Does this mean that the NWS [National Weather Service] could be requested to change a forecast after the fact? Or could someone with an economic interest challenge official observational data which could affect the value of an insurance payment?" asks NOAA.

Overall, OMB does not envision administrative mechanisms that would burden agencies with frivolous claims. Instead, the correction process should serve to address the genuine and valid needs of the agency and its constituents without disrupting agency processes. Agencies, in making their determination of whether or not to correct information, may reject claims made in bad faith or without justification, and are required to undertake only the degree of correction that they conclude is appropriate for the nature and timeliness of the information

involved, and explain such practices in their annual fiscal year reports to OMB.

Numerous comments provided language to clarify or limit the term, "affected persons." One academic institution suggested that the term, "affected persons," reflects a criterion of "direct measurable impact with significant personal consequence." Other academic institutions suggested that "affected persons should not be permitted to challenge the substance of information without showing that a qualified scientist has found fault with its quality or integrity." Similarly, some comments argued that the ability to correct scientific information should be limited only to other scientists. Several associations suggested that OMB identify the types of information that could be challenged rather than to focus on the characteristics of a "legitimate" challenger. OMB considered these comments at length. Our conclusion is that "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. However, each agency should consider how persons (which includes groups, organizations and corporations, as defined by the Paperwork Reduction Act) will be affected by the agency's information. Agencies should address the issue of "affected persons" in consultation with their constituents through the public comment process that agencies will provide after drafting their proposed guidelines and before submitting them for OMB review.

These guidelines require that an agency official be designated to receive and resolve complaints regarding information that does not comply with either the OMB guidelines or the agency's guidelines. In the proposed guidelines, we required, with a limited exception, that the Chief Information Officer (CIO) of the agency have this responsibility. Of the government agencies that commented on this provision, many pointed to their specific agency practices on information quality and their designation of a "quality official" who was not necessarily working under the agency CIO. Recognizing that some agencies may have specific officials in place to address quality issues, the final guidelines allow agencies to designate an appropriate official. Agencies may also designate multiple officials, i.e., based on the needs of individual agency components, as long as there is a single official with these overall responsibilities designated at the agency level. The authorized official also needs

to consult with the CIO on quality matters pertaining to information disseminated by the agency.

Agencies need to respond to complaints in a manner appropriate to the nature and extent of the complaint. Examples of appropriate responses, as suggested by comments, include personal contacts via letter or telephone, form letters, press releases or mass mailings that correct a widely disseminated error or address a frequently raised complaint. Agencies may want to utilize other methods of response under existing agency practices. For example, for agencies with a high volume of complaints, it is acceptable for the agency to describe a sample of those complaints in the annual fiscal year report to OMB. For categories of inconsequential or trivial complaints identified in the agency guidelines, an agency may decide that no response is necessary. Agencies should describe to OMB as part of the annual fiscal year report the chosen response mechanisms and how they are working.

*Definitions and Other Terms.* Section 515 denotes four substantive terms regarding information disseminated by Federal agencies: quality, utility, objectivity, and integrity. We have defined "quality" as an encompassing term. The organizations and individuals that submitted comments did not object to having "quality" defined as an encompassing term, but suggested that we should discuss each term separately. The principles laid out in the proposed guidelines, stated one comment, create "subjective definitions" of the four terms. This comment warned OMB that "subjective definitions of quality, objectivity, utility, and integrity could cause agencies to delay data release or disregard data for fear of challenge." Other comments expressed similar views, or as one association observed, "Science does not recognize a sliding scale of quality."

These guidelines reflect OMB's determination that "quality," "utility," "objectivity," and "integrity" are closely interrelated concepts in the context of these guidelines. Collectively, these terms address the following three aspects of the information that is to be disseminated: whether the information is useful to the intended users of the information; whether the disseminated information is being presented in an accurate, clear, complete, and unbiased manner in both presentation and as a characteristic that should be inherent to quality information; and whether the information has been protected from unauthorized access or revision.

Some comments stated that OMB was “exceeding the statutory mandate” and going beyond “Congressional intent” in specifying scientific and statistical information in these guidelines. Others felt that we should simply acknowledge that the scientific and statistical communities already have practices and standards for their information, rather than create another set of standards for these information types. OMB does not agree with those comments that said the proposed guidelines went beyond the statute in covering statistical and scientific information. Section 515 expressly states that its scope includes statistical information. Moreover, section 515 has no exclusion for scientific information, and in many respects it is very similar to (and overlaps with) statistical information. OMB, however, does appreciate the concerns that the comments raised about the guidelines not creating another set of standards for statistical and scientific information. Our guidelines do not seek to impose new standards on these communities, but to reiterate the standards that are already held in those communities.

Recognizing public interest in medical and public health information, we have specifically added a provision stating, “Agencies shall adopt specific standards of quality that are appropriate for the various categories of information they disseminate.” For example, OMB encourages agencies, in crafting their agency-specific guidelines, to promote objectivity in information quality in ways that protect the confidentiality of research subjects and encourage public participation in research. These concerns are particularly salient in medical and public health research.

A number of comments regarded our discussion of ensuring that scientific information be “substantially reproducible” as requiring agencies to replicate original data and to perform independent analysis upon all scientific information disseminated by the agency. We have responded to these concerns in a number of ways. First, we make it clear that what we now refer to as the “capable of being substantially reproduced” standard applies to analytical results that are disseminated, and does not apply to the original or supporting data. Thus, replication of original data is not required. Second, the “capable of being substantially reproduced” standard is applicable only to “influential” scientific and statistical information as defined in the guidelines. Third, the guidelines call for the agency to determine that “influential” analytical results be capable of being substantially

reproducible by independent analysis. We intend this standard to say that, if appropriately qualified persons used the same or a similar methodology, they would be expected to achieve similar findings and results.

Based on the concerns expressed in the comments, we expanded upon our discussion of “capable of being substantially reproduced” in our definition of “objective,” and added two explanatory definitions. We state, in paragraphs V.3.B, V.9, and V.10:

In addition, “objectivity” involves a focus on ensuring accurate, reliable, and unbiased information. In a scientific or statistical context, the original or supporting data shall be generated, and the analytical results shall be developed, using sound statistical and research methods.

i. If the results have been subject to formal, independent, external peer review, the information can generally be considered of acceptable objectivity.

ii. In those situations involving influential scientific or statistical information, the results must be capable of being substantially reproduced, if the original or supporting data are independently analyzed using the same models. Reproducibility does not mean that the original or supporting data have to be capable of being replicated through new experiments, samples or tests.

iii. Making the data and models publicly available will assist in determining whether analytical results are capable of being substantially reproduced. However, these guidelines do not alter the otherwise applicable standards and procedures for determining when and how information is disclosed. Thus, the objectivity standard does not override other compelling interests, such as privacy, trade secret, and other confidentiality protections.

“Influential” when used in the phrase “influential scientific or statistical information” means the agency expects that information in the form of analytical results will likely have an important effect on the development of domestic or international government or private sector policies or will likely have important consequences for specific technologies, substances, products or firms.

“Capable of being substantially reproduced” means that independent reanalysis of the original or supporting data using the same methods would generate similar analytical results, subject to an acceptable degree of imprecision.

As a general matter, in the scientific and research context, we regard

technical information that has been subjected to formal, independent, external peer review as presumptively objective. An example of a formal independent external peer review is the review process used by scientific journals. However, depending on the nature and timeliness of the information involved, an agency may decide that peer review is not necessary or appropriate. On the other hand, in those situations involving influential scientific or statistical information, the substantial reproducibility standard is added as a quality standard above and beyond some peer review quality standards. In the definition of “influential,” when used in the phrase “influential scientific or statistical information,” we note that the manner in which people perceive the scientific or statistical information can have important consequences for specific policies, technologies, substances, products, and firms.

Based on concerns with the “substantially reproducible” standard, a number of comments suggested that OMB should repropose this standard for additional public comment, rather than going final at this time. While, in deference to the statutory deadline, OMB is issuing the “capable of being substantially reproduced” standard (paragraphs V.3.B, V.9, and V.10), OMB is doing so on an interim final basis. We specifically request public comments on this standard by October 29, 2001. In addition, OMB wants to stress that the guidelines published today should be understood as a beginning of an evolutionary process that will include draft agency guidelines, public comment, final agency guidelines, development of experience with OMB and agency guidelines, and continued refinement of both OMB and agency guidelines.

OMB modeled the draft definitions of “information,” “government information,” “information dissemination product,” and “dissemination” on the longstanding definitions of those terms in OMB Circular A-130, but tailored them to fit into the context of these guidelines. Information that is disseminated on behalf of an agency (through a contract or a grant) is considered to be sponsored by the agency and is subject to these guidelines. Consistent with the PRA concept of agency “sponsorship” of a collection of information, information is considered to be disseminated on behalf of an agency by a contractor or grantee if the dissemination is done at the agency’s specific request or with the agency’s specific approval. See 5 CFR 1320.3(d). Finally, it should be noted

that these guidelines focus primarily on the dissemination of substantive information (i.e. reports, studies, summaries) rather than information pertaining to basic agency operations.

We have clarified two terms for the final guidelines. The proposed guidelines included "opinions" in the definition of "information." We agree with comments that indicated agencies should not be accountable for correcting someone's opinion, but in the agency's presentation of the information, it should be clear that what is being offered is someone's opinion rather than facts or the agency's views. "Opinion" has therefore been removed from the definition of "information" in the final guidelines. The definition for "dissemination" was also revised after discussions with two Federal agencies that correspond frequently with individual members of the public regarding their participation in the agency's programs. In addition, in the definition of "dissemination," we changed the exclusion for "judicial process" to "adjudicative process" to make it clear that these guidelines do not apply to the issuance of agency adjudicative decisions.

**Reporting Requirements.** Agencies have two reporting requirements. The first report, taking effect no later than one year after the issuance of these OMB guidelines, must provide the agency's information quality guidelines that describe administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of disseminated information that does not comply with these OMB guidelines. During the year that agencies have to complete their agency guidelines, agencies must publish the draft reports in the **Federal Register** for a period of public comment, and no later than nine months after the issuance of OMB's guidelines, submit their draft reports to OMB for review. Upon completion of OMB's review, final agency guidelines must be published in the **Federal Register** and made available through the agency website. The entire process must be completed by no later than one year after the issuance of the OMB guidance (no later than October 1, 2002).

The second report is an annual fiscal year report to OMB (to be first submitted on January 1, 2004) providing information on the number, nature, and resolution of complaints received by the agency regarding its perceived or confirmed failure to comply with these OMB and agency guidelines. Regarding the proposed guidelines, we received detailed comments on the required report to OMB describing the number and nature of complaints received by

the agency and how such complaints were resolved. Two Federal agencies stated that it would be burdensome to report to OMB on every single complaint they received and responded to, particularly because many of the complaints may be received in phone calls and given informal responses that address the callers' concerns. Recognizing that agencies may deal with large volumes of complaints on particular types of information disseminated by the agency, OMB's guidelines allow the agency to provide qualitative and/or quantitative descriptions of complaints received and how they were resolved (or not). OMB also recognizes that a large number of comments about a specific document may only demonstrate that the information is controversial, not that its quality is flawed.

In conclusion, issuance of these final guidelines meets the statutory requirement that section 515 imposed on OMB. As we stated earlier in this preamble, and in connection with the proposed guidelines, OMB has sought in developing these guidelines to make them flexible enough so that Federal agencies can apply them in a common sense, workable, and appropriately tailored manner to the wide variety of dissemination activities that the Federal Government undertakes. In addition, in drafting guidelines that will apply on a government-wide basis, OMB has been sensitive to the problem of unintended consequences and has tried to anticipate and address issues that could arise during the implementation of these guidelines. In this respect, the public and agency comments that we received on the proposed guidelines were very helpful and are greatly appreciated. As we explained above, we made a number of revisions to the guidelines to address the concerns raised in the comments, and we also believe that these and other concerns can be addressed as well in the implementing guidelines that each agency will develop in the coming months. In addition, OMB is issuing the "capable of being substantially reproduced" standard (paragraphs V.3.B, V.9, and V.10) on an interim final basis. We specifically request public comments on this standard over the next 30 days.

Moreover, over time as the agencies and the public gain further experience with the OMB guidelines, we would appreciate receiving any suggestions for how OMB could improve them. Just as OMB requested public comment before issuing these final guidelines, OMB will refine these guidelines as experience develops and further public comment is obtained.

Dated: September 24, 2001.

**John D. Graham,**

*Administrator, Office of Information and Regulatory Affairs.*

### **Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies**

#### *I. OMB Responsibilities*

Section 515 of the Treasury and General Government Appropriations Act for FY2001 (Public Law 106-554) directs the Office of Management and Budget to issue government-wide guidelines that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies.

#### *II. Agency Responsibilities*

Section 515 directs agencies subject to the Paperwork Reduction Act (44 U.S.C. 3502(a)) to—

1. Issue their own information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency no later than one year after the date of issuance of the OMB guidelines;

2. Establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with these OMB guidelines; and

3. Report to the Director of OMB the number and nature of complaints received by the agency regarding agency compliance with these OMB guidelines concerning the quality, objectivity, utility, and integrity of information and how such complaints were resolved.

#### *III. Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*

1. Overall, agencies shall adopt a basic standard of quality (including objectivity, utility, and integrity) as a performance goal and should take appropriate steps to incorporate information quality criteria into agency information dissemination practices. Quality is to be ensured and established at levels appropriate to the nature and timeliness of the information to be disseminated. Agencies shall adopt specific standards of quality that are appropriate for the various categories of information they disseminate.

2. As a matter of good and effective agency information resources

management, agencies shall develop a process for reviewing the quality (including the objectivity, utility, and integrity) of information before it is disseminated. Agencies shall treat information quality as integral to every step of an agency's development of information, including creation, collection, maintenance, and dissemination. This process shall enable the agency to substantiate the quality of the information it has disseminated through documentation or other means appropriate to the information.

3. To facilitate citizen review, agencies shall establish administrative mechanisms allowing affected persons to seek and obtain, where appropriate, timely correction of information maintained and disseminated by the agency that does not comply with OMB or agency guidelines. These administrative mechanisms shall be flexible, appropriate to the nature and timeliness of the disseminated information, and incorporated into agency information resources management and administrative practices.

4. The agency's pre-dissemination review, under paragraph III.2, shall apply to information that the agency first disseminates on or after October 1, 2002. The agency's administrative mechanisms, under paragraph III.3, shall apply to information that the agency disseminates on or after October 1, 2002, regardless of when the agency first disseminated the information.

#### IV. Agency Reporting Requirements

1. Agencies must designate the Chief Information Officer or another official to be responsible for agency compliance with these guidelines.

2. The agency shall respond to complaints in a manner appropriate to the nature and extent of the complaint. Examples of appropriate responses include personal contacts via letter or telephone, form letters, press releases or mass mailings that correct a widely disseminated error or address a frequently raised complaint.

3. Each agency must prepare a draft report, no later than April 1, 2002, providing the agency's information quality guidelines and explaining how such guidelines will ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency. This report must also detail the administrative mechanisms developed by that agency to allow affected persons to seek and obtain appropriate correction of information maintained and disseminated by the agency that does

not comply with the OMB or the agency guidelines.

4. The agency must publish a notice of availability of this draft report in the **Federal Register**, and post this report on the agency's website, to provide an opportunity for public comment.

5. Upon consideration of public comment and after appropriate revision, the agency must submit this draft report to OMB for review regarding consistency with these OMB guidelines no later than July 1, 2002. Upon completion of that OMB review and completion of this report, agencies must publish notice of the availability of this report in the **Federal Register**, and post this report on the agency's web site no later than October 1, 2002.

6. On an annual fiscal-year basis, each agency must submit a report to the Director of OMB providing information (both quantitative and qualitative, where appropriate) on the number and nature of complaints received by the agency regarding agency compliance with these OMB guidelines and how such complaints were resolved. Agencies must submit these reports no later than January 1 of each following year, with the first report due January 1, 2004.

#### V. Definitions

1. "Quality" is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these four statutory terms, collectively, as "quality."

2. "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. As a result, when reproducibility and transparency of information are relevant for assessing the information's usefulness from the public's perspective, the agency must take care to ensure that reproducibility and transparency have been addressed in its review of the information.

3. "Objectivity" involves two distinct elements, presentation and substance.

A. "Objectivity" includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. This involves 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.

Also, the agency needs to identify the sources of the disseminated information (to the extent possible, consistent with confidentiality protections) and, in a scientific or statistical context, the supporting data and models, so that the public can assess for itself whether there may be some reason to question the objectivity of the sources. Where appropriate, supporting data should have full, accurate, transparent documentation, and error sources affecting data quality should be identified and disclosed to users.

B. In addition, "objectivity" involves a focus on ensuring accurate, reliable, and unbiased information. In a scientific or statistical context, the original or supporting data shall be generated, and the analytical results shall be developed, using sound statistical and research methods.

i. If the results have been subject to formal, independent, external peer review, the information can generally be considered of acceptable objectivity.

ii. In those situations involving influential scientific or statistical information, the results must be capable of being substantially reproduced, if the original or supporting data are independently analyzed using the same models. Reproducibility does not mean that the original or supporting data have to be capable of being replicated through new experiments, samples or tests.

iii. Making the data and models publicly available will assist in determining whether analytical results are capable of being substantially reproduced. However, these guidelines do not alter the otherwise applicable standards and procedures for determining when and how information is disclosed. Thus, the objectivity standard does not override other compelling interests, such as privacy, trade secret, and other confidentiality protections.

4. "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.

5. "Information" 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. 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.

6. "Government information" means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

7. "Information dissemination product" means any book, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, an agency disseminates to the public. This definition includes any electronic document, CD-ROM, or web page.

8. "Dissemination" means agency initiated or sponsored distribution of information to the public (see 5 CFR 1320.3(d) (definition of "Conduct or Sponsor"). Dissemination does not include distribution 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 limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

9. "Influential" when used in the phrase "influential scientific or statistical information" means the agency expects that information in the form of analytical results will likely have an important effect on the development of domestic or international government or private sector policies or will likely have important consequences for specific technologies, substances, products or firms.

10. "Capable of being substantially reproduced" means that independent reanalysis of the original or supporting data using the same methods would generate similar analytical results, subject to an acceptable degree of imprecision.

[FR Doc. 01-24172 Filed 9-27-01; 8:45 am]

BILLING CODE 3110-01-P

## PENSION BENEFIT GUARANTY CORPORATION

### Submission of Information Collection for OMB Review; Comment Request; Disclosure to Participants

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information in its regulation on Disclosure to Participants (29 CFR Part 4011) (OMB control number 1212-0050). This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by October 29, 2001.

**ADDRESSES:** Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) may be obtained without charge by writing to or visiting the PBGC's Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005-4026, or calling 202-326-4040. (TTY and TDD users may call 800-877-8339 and request connection to 202-326-4040). The regulation on Disclosure to Participants can be accessed on the PBGC's Web site at <http://www.pbgc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).

**SUPPLEMENTARY INFORMATION:** Section 4011 of the Employee Retirement Income Security Act of 1974 requires plan administrators of certain underfunded single-employer pension plans to provide an annual notice to plan participants and beneficiaries of the plan's funding status and the limits on the PBGC's guarantee.

The PBGC's regulation implementing this provision (29 CFR Part 4011) prescribes which plans are subject to the notice requirement, who is entitled to receive the notice, and the time, form, and manner of issuance of the notice. The notice provides recipients with meaningful, understandable, and timely information that will help them become better informed about their plans and assist them in their financial planning.

The collection of information under the regulation has been approved by OMB under control number 1212-0050 (expires October 31, 2001). The PBGC is requesting that OMB extend its approval for three years. An agency may not

conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that an average of 3,331 plans per year will respond to this collection of information. The PBGC further estimates that the average annual burden of this collection of information is 2.13 hours and \$107 per plan, with an average total annual burden of 7,102 hours and \$355,200.

Issued in Washington, DC, this 24th day of September, 2001.

**Stuart A. Sirkin,**

*Director, Corporate Policy and Research Department.*

[FR Doc. 01-24372 Filed 9-27-01; 8:45 am]

BILLING CODE 7708-01-P

## PENSION BENEFIT GUARANTY CORPORATION

### Submission of Information Collection for OMB Review; Comment Request; Liability for Termination of Single-Employer Plans

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information in its regulation on Employer Liability (29 CFR Part 4062) (OMB control number 1212-0017). This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by October 29, 2001.

**ADDRESSES:** Comments should be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) may be obtained without charge by writing to or visiting the PBGC's Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005-4026, or calling 202-326-4040. (TTY and TDD users may call 800-877-8339 and request connection to 202-326-4040). The regulation on Employer Liability can be accessed on the PBGC's Web site at <http://www.pbgc.gov>.

# **ADDENDUM D**

**OFFICE OF MANAGEMENT AND BUDGET**

**Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies; Republication**

**Editorial Note:** Due to numerous errors, this document is being reprinted in its entirety. It was originally printed in the **Federal Register** on Thursday, January 3, 2002 at 67 FR 369–378 and was corrected on Tuesday, February 5, 2002 at 67 FR 5365.

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Final guidelines.

**SUMMARY:** These final guidelines implement section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106–554; H.R. 5658). Section 515 directs the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.” By October 1, 2002, agencies must issue their own implementing guidelines that include “administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency” that does not comply with the OMB guidelines. These final guidelines also reflect the changes OMB made to the guidelines issued September 28, 2001, as a result of receiving additional comment on the “capable of being substantially reproduced” standard (paragraphs V.3.B, V.9, and V.10), which OMB previously issued on September 28, 2001, on an interim final basis.

**DATES:** *Effective Date:* January 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Brooke J. Dickson, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Telephone (202) 395–3785 or by e-mail to [informationquality@omb.eop.gov](mailto:informationquality@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** In section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106–554; H.R. 5658), Congress directed the Office of Management and Budget (OMB) to issue, by September 30, 2001, government-wide guidelines that “provide policy and procedural

guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies \* \* \*” Section 515(b) goes on to state that the OMB guidelines shall:

“(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and  
 “(2) require that each Federal agency to which the guidelines apply—

“(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

“(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and  
 “(C) report periodically to the Director—

“(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and;

“(ii) how such complaints were handled by the agency.”

Proposed guidelines were published in the **Federal Register** on June 28, 2001 (66 FR 34489). Final guidelines were published in the **Federal Register** on September 28, 2001 (66 FR 49718). The Supplementary Information to the final guidelines published in September 2001 provides background, the underlying principles OMB followed in issuing the final guidelines, and statements of intent concerning detailed provisions in the final guidelines.

In the final guidelines published in September 2001, OMB also requested additional comment on the “capable of being substantially reproduced” standard and the related definition of “influential scientific or statistical information” (paragraphs V.3.B, V.9, and V.10), which were issued on an interim final basis. The final guidelines published today discuss the public comments OMB received, the OMB response, and amendments to the final guidelines published in September 2001.

In developing agency-specific guidelines, agencies should refer both to the Supplementary Information to the final guidelines published in the **Federal Register** on September 28, 2001 (66 FR 49718), and also to the Supplementary Information published today. We stress that the three “Underlying Principles” that OMB

followed in drafting the guidelines that we published on September 28, 2001 (66 FR 49719), are also applicable to the amended guidelines that we publish today.

In accordance with section 515, OMB has designed the guidelines to help agencies ensure and maximize the quality, utility, objectivity and integrity of the information that they disseminate (meaning to share with, or give access to, the public). It is crucial that information Federal agencies disseminate meets these guidelines. In this respect, the fact that the Internet enables agencies to communicate information quickly and easily to a wide audience not only offers great benefits to society, but also increases the potential harm that can result from the dissemination of information that does not meet basic information quality guidelines. Recognizing the wide variety of information Federal agencies disseminate and the wide variety of dissemination practices that agencies have, OMB developed the guidelines with several principles in mind.

First, OMB designed the guidelines to apply to a wide variety of government information dissemination activities that may range in importance and scope. OMB also designed the guidelines to be generic enough to fit all media, be they printed, electronic, or in other form. OMB sought to avoid the problems that would be inherent in developing detailed, prescriptive, “one-size-fits-all” government-wide guidelines that would artificially require different types of dissemination activities to be treated in the same manner. Through this flexibility, each agency will be able to incorporate the requirements of these OMB guidelines into the agency’s own information resource management and administrative practices.

Second, OMB designed the guidelines so that agencies will meet basic information quality standards. Given the administrative mechanisms required by section 515 as well as the standards set forth in the Paperwork Reduction Act, it is clear that agencies should not disseminate substantive information that does not meet a basic level of quality. We recognize that some government information may need to meet higher or more specific information quality standards than those that would apply to other types of government information. The more important the information, the higher the quality standards to which it should be held, for example, in those situations involving “influential scientific, financial, or statistical information” (a phrase defined in these guidelines). The guidelines recognize, however, that

information quality comes at a cost. Accordingly, the agencies should weigh the costs (for example, including costs attributable to agency processing effort, respondent burden, maintenance of needed privacy, and assurances of suitable confidentiality) and the benefits of higher information quality in the development of information, and the level of quality to which the information disseminated will be held.

Third, OMB designed the guidelines so that agencies can apply them in a common-sense and workable manner. It is important that these guidelines do not impose unnecessary administrative burdens that would inhibit agencies from continuing to take advantage of the Internet and other technologies to disseminate information that can be of great benefit and value to the public. In this regard, OMB encourages agencies to incorporate the standards and procedures required by these guidelines into their existing information resources management and administrative practices rather than create new and potentially duplicative or contradictory processes. The primary example of this is that the guidelines recognize that, in accordance with OMB Circular A-130, agencies already have in place well-established information quality standards and administrative mechanisms that allow persons to seek and obtain correction of information that is maintained and disseminated by the agency. Under the OMB guidelines, agencies need only ensure that their own guidelines are consistent with these OMB guidelines, and then ensure that their administrative mechanisms satisfy the standards and procedural requirements in the new agency guidelines. Similarly, agencies may rely on their implementation of the Federal Government's computer security laws (formerly, the Computer Security Act, and now the computer security provisions of the Paperwork Reduction Act) to establish appropriate security safeguards for ensuring the "integrity" of the information that the agencies disseminate.

In addition, in response to concerns expressed by some of the agencies, we want to emphasize that OMB recognizes that Federal agencies provide a wide variety of data and information. Accordingly, OMB understands that the guidelines discussed below cannot be implemented in the same way by each agency. In some cases, for example, the data disseminated by an agency are not collected by that agency; rather, the information the agency must provide in a timely manner is compiled from a variety of sources that are constantly updated and revised and may be

confidential. In such cases, while agencies' implementation of the guidelines may differ, the essence of the guidelines will apply. That is, these agencies must make their methods transparent by providing documentation, ensure quality by reviewing the underlying methods used in developing the data and consulting (as appropriate) with experts and users, and keep users informed about corrections and revisions.

#### Summary of OMB Guidelines

These guidelines apply to Federal agencies subject to the Paperwork Reduction Act (44 U.S.C. chapter 35). Agencies are directed to develop information resources management procedures for reviewing and substantiating (by documentation or other means selected by the agency) the quality (including the objectivity, utility, and integrity) of information before it is disseminated. In addition, agencies are to establish administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of information disseminated by the agency that does not comply with the OMB or agency guidelines. Consistent with the underlying principles described above, these guidelines stress the importance of having agencies apply these standards and develop their administrative mechanisms so they can be implemented in a common sense and workable manner. Moreover, agencies must apply these standards flexibly, and in a manner appropriate to the nature and timeliness of the information to be disseminated, and incorporate them into existing agency information resources management and administrative practices.

Section 515 denotes four substantive terms regarding information disseminated by Federal agencies: quality, utility, objectivity, and integrity. It is not always clear how each substantive term relates—or how the four terms in aggregate relate—to the widely divergent types of information that agencies disseminate. The guidelines provide definitions that attempt to establish a clear meaning so that both the agency and the public can readily judge whether a particular type of information to be disseminated does or does not meet these attributes.

In the guidelines, OMB defines "quality" as the encompassing term, of which "utility," "objectivity," and "integrity" are the constituents. "Utility" refers to the usefulness of the information to the intended users. "Objectivity" focuses on whether the disseminated information is being

presented in an accurate, clear, complete, and unbiased manner, and as a matter of substance, is accurate, reliable, and unbiased. "Integrity" refers to security—the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. OMB modeled the definitions of "information," "government information," "information dissemination product," and "dissemination" on the longstanding definitions of those terms in OMB Circular A-130, but tailored them to fit into the context of these guidelines.

In addition, Section 515 imposes two reporting requirements on the agencies. The first report, to be promulgated no later than October 1, 2002, must provide the agency's information quality guidelines that describe administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of disseminated information that does not comply with the OMB and agency guidelines. The second report is an annual fiscal year report to OMB (to be first submitted on January 1, 2004) providing information (both quantitative and qualitative, where appropriate) on the number, nature, and resolution of complaints received by the agency regarding its perceived or confirmed failure to comply with these OMB and agency guidelines.

#### Public Comments and OMB Response

*Applicability of Guidelines.* Some comments raised concerns about the applicability of these guidelines, particularly in the context of scientific research conducted by Federally employed scientists or Federal grantees who publish and communicate their research findings in the same manner as their academic colleagues. OMB believes that information generated and disseminated in these contexts is not covered by these guidelines unless the agency represents the information as, or uses the information in support of, an official position of the agency.

As a general matter, these guidelines apply to "information" that is "disseminated" by agencies subject to the Paperwork Reduction Act (44 U.S.C. 3502(1)). See paragraphs II, V.5 and V.8. The definitions of "information" and "dissemination" establish the scope of the applicability of these guidelines. "Information" means "any communication or representation of knowledge such as facts or data \* \* \*". This definition of information in paragraph V.5 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."

"Dissemination" is defined to mean "agency initiated or sponsored distribution of information to the public." As used in paragraph V.8, "agency INITIATED \* \* \* distribution of information to the public" refers to information that the agency disseminates, e.g., a risk assessment prepared by the agency to inform the agency's formulation of possible regulatory or other action. In addition, if an agency, as an institution, disseminates information prepared by an outside party in a manner that reasonably suggests that the agency agrees with the information, this appearance of having the information represent agency views makes agency dissemination of the information subject to these guidelines. By contrast, an agency does not "initiate" the dissemination of information when a Federally employed scientist or Federal grantee or contractor publishes and communicates his or her research findings in the same manner as his or her academic colleagues, even if the Federal agency retains ownership or other intellectual property rights because the Federal government paid for the research. To avoid confusion regarding whether the agency agrees with the information (and is therefore disseminating it through the employee or grantee), the researcher should include an appropriate disclaimer in the publication or speech to the effect that the "views are mine, and do not necessarily reflect the view" of the agency.

Similarly, as used in paragraph V.8., "agency \* \* \* SPONSORED distribution of information to the public" refers to situations where an agency has directed a third-party to disseminate information, or where the agency has the authority to review and approve the information before release. Therefore, for example, if an agency through a procurement contract or a grant provides for a person to conduct research, and then the agency directs the person to disseminate the results (or the agency reviews and approves the results before they may be disseminated), then the agency has "sponsored" the dissemination of this information. By contrast, if the agency simply provides funding to support research, and it the researcher (not the agency) who decides whether to disseminate the results and—if the results are to be released—who determines the content and presentation of the dissemination, then the agency has not "sponsored" the dissemination even though it has funded the research

and even if the Federal agency retains ownership or other intellectual property rights because the Federal government paid for the research. To avoid confusion regarding whether the agency is sponsoring the dissemination, the researcher should include an appropriate disclaimer in the publication or speech to the effect that the "views are mine, and do not necessarily reflect the view" of the agency. On the other hand, subsequent agency dissemination of such information requires that the information adhere to the agency's information quality guidelines. In sum, these guidelines govern an agency's dissemination of information, but generally do not govern a third-party's dissemination of information (the exception being where the agency is essentially using the third-party to disseminate information on the agency's behalf). Agencies, particularly those that fund scientific research, are encouraged to clarify the applicability of these guidelines to the various types of information they and their employees and grantees disseminate.

Paragraph V.8 also states that the definition of "dissemination" does not include "\* \* \* distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes." The exemption from the definition of "dissemination" for "adjudicative processes" is intended to exclude, from the scope of these guidelines, the findings and determinations that an agency makes in the course of adjudications involving specific parties. 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. These guidelines do not impose any additional requirements on agencies during adjudicative proceedings and do not provide parties to such adjudicative proceedings any additional rights of challenge or appeal.

*The Presumption Favoring Peer-Reviewed Information.* As a general matter, in the scientific and research context, we regard technical information that has been subjected to formal, independent, external peer review as presumptively objective. As the guidelines state in paragraph V.3.b.i: "If data and analytic results have been subjected to formal, independent, external peer review, the information may generally be presumed to be of acceptable objectivity." An example of a formal, independent, external peer review is the review process used by scientific journals.

Most comments approved of the prominent role that peer review plays in the OMB guidelines. Some comments contended that peer review was not accepted as a universal standard that incorporates an established, practiced, and sufficient level of objectivity. Other comments stated that the guidelines would be better clarified by making peer review one of several factors that an agency should consider in assessing the objectivity (and quality in general) of original research. In addition, several comments noted that peer review does not establish whether analytic results are capable of being substantially reproduced. In light of the comments, the final guidelines in new paragraph V.3.b.i qualify the presumption in favor of peer-reviewed information as follows: "However, this presumption is rebuttable based on a persuasive showing by the petitioner in a particular instance."

We believe that transparency is important for peer review, and these guidelines set minimum standards for the transparency of agency-sponsored peer review. As we state in new paragraph V.3.b.i: "If data and analytic results have been subjected to formal, independent, external peer review, the information may generally be presumed to be of acceptable objectivity. However, this presumption is rebuttable based on a persuasive showing by the petitioner in a particular instance. If agency-sponsored peer review is employed to help satisfy the objectivity standard, the review process employed shall meet the general criteria for competent and credible peer review recommended by OMB-OIRA to the President's Management Council (9/20/01) ([http://www.whitehouse.gov/omb/inforeg/oira\\_review-process.html](http://www.whitehouse.gov/omb/inforeg/oira_review-process.html)), namely, 'that (a) peer reviewers be selected primarily on the basis of necessary technical expertise, (b) peer reviewers be expected to disclose to agencies prior technical/policy positions they may have taken on the issues at hand, (c) peer reviewers be expected to disclose to agencies their sources of personal and institutional funding (private or public sector), and (d) peer reviews be conducted in an open and rigorous manner.'"

The importance of these general criteria for competent and credible peer review has been supported by a number of expert bodies. For example, "the work of fully competent peer-review panels can be undermined by allegations of conflict of interest and bias. Therefore, the best interests of the Board are served by effective policies and procedures regarding potential conflicts of interest, impartiality, and panel balance." (*EPA's Science Advisory*

*Board Panels: Improved Policies and Procedures Needed to Ensure Independence and Balance*, GAO-01-536, General Accounting Office, Washington, DC, June 2001, page 19.)

As another example, “risk analyses should be peer-reviewed and accessible—both physically and intellectually—so that decision-makers at all levels will be able to respond critically to risk characterizations. The intensity of the peer reviews should be commensurate with the significance of the risk or its management implications.” (*Setting Priorities, Getting Results: A New Direction for EPA*, Summary Report, National Academy of Public Administration, Washington, DC, April 1995, page 23.)

These criteria for peer reviewers are generally consistent with the practices now followed by the National Research Council of the National Academy of Sciences. In considering these criteria for peer reviewers, we note that there are many types of peer reviews and that agency guidelines concerning the use of peer review should tailor the rigor of peer review to the importance of the information involved. More generally, agencies should define their peer-review standards in appropriate ways, given the nature and importance of the information they disseminate.

*Is Journal Peer Review Always Sufficient?* Some comments argued that journal peer review should be adequate to demonstrate quality, even for influential information that can be expected to have major effects on public policy. OMB believes that this position overstates the effectiveness of journal peer review as a quality-control mechanism.

Although journal peer review is clearly valuable, there are cases where flawed science has been published in respected journals. For example, the NIH Office of Research Integrity recently reported the following case regarding environmental health research:

“Based on the report of an investigation conducted by [XX] University, dated July 16, 1999, and additional analysis conducted by ORI in its oversight review, the US Public Health Service found that Dr. [X] engaged in scientific misconduct. Dr. [X] committed scientific misconduct by intentionally falsifying the research results published in the journal SCIENCE and by providing falsified and fabricated materials to investigating officials at [XX] University in response to a request for original data to support the research results and conclusions report in the SCIENCE paper. In addition, PHS finds that there is no original data or other corroborating evidence to support the research results and conclusions reported in the SCIENCE paper as a whole.” (66 FR 52137, October 12, 2001).

Although such cases of falsification are presumably rare, there is a significant scholarly literature documenting quality problems with articles published in peer-reviewed research. “In a [peer-reviewed] meta-analysis that surprised many—and some doubt—researchers found little evidence that peer review actually improves the quality of research papers.” (See, e.g., *Science*, Vol. 293, page 2187 (September 21, 2001.)) In part for this reason, many agencies have already adopted peer review and science advisory practices that go beyond journal peer review. See, e.g., Sheila Jasanoff, *The Fifth Branch: Science Advisers as Policy Makers*, Cambridge, MA, Harvard University Press, 1990; Mark R. Powell, *Science at EPA: Information in the Regulatory Process*. Resources for the Future, Washington, DC., 1999, pages 138–139; 151–153; *Implementation of the Environmental Protection Agency’s Peer Review Program: An SAB Evaluation of Three Reviews*, EPA-SAB-RSAC-01-009, A Review of the Research Strategies Advisory Committee (RSAC) of the EPA Science Advisory Board (SAB), Washington, DC., September 26, 2001. For information likely to have an important public policy or private sector impact, OMB believes that additional quality checks beyond peer review are appropriate.

*Definition of “Influential”*. OMB guidelines apply stricter quality standards to the dissemination of information that is considered “influential.” Comments noted that the breadth of the definition of “influential” in interim final paragraph V.9 requires much speculation on the part of agencies.

We believe that this criticism has merit and have therefore narrowed the definition. In this narrower definition, “influential”, when used in the phrase “influential scientific, financial, or statistical information”, is amended to mean 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.” The intent of the new phrase “clear and substantial” is to reduce the need for speculation on the part of agencies. We added the present tense—“or does have”—to this narrower definition because on occasion, an information dissemination may occur simultaneously with a particular policy change. In response to a public comment, we added an explicit reference to “financial” information as consistent with our original intent.

Given the differences in the many Federal agencies covered by these

guidelines, and the differences in the nature of the information they disseminate, we also believe it will be helpful if agencies elaborate on this definition of “influential” in the context of their missions and duties, with due consideration of the nature of the information they disseminate. As we state in amended paragraph V.9, “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*. As we state in new paragraph V.3.b.ii: “If an agency is responsible for disseminating influential scientific, financial, or statistical information, agency guidelines shall include a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties.” OMB believes that a reproducibility standard is practical and appropriate for information that is considered “influential”, as defined in paragraph V.9—that “will have or does have a clear and substantial impact on important public policies or important private sector decisions.” The reproducibility standard applicable to influential scientific, financial, or statistical information is intended to ensure that information disseminated by agencies is sufficiently transparent in terms of data and methods of analysis that it would be feasible for a replication to be conducted. The fact that the use of original and supporting data and analytic results have been deemed “defensible” by peer-review procedures does not necessarily imply that the results are transparent and replicable.

*Reproducibility of Original and Supporting Data*. Several of the comments objected to the exclusion of original and supporting data from the reproducibility requirements. Comments instead suggested that OMB should apply the reproducibility standard to original data, and that OMB should provide flexibility to the agencies in determining what constitutes “original and supporting” data. OMB agrees and asks that agencies consider, in developing their own guidelines, which categories of original and supporting data should be subject to the reproducibility standard and which should not. To help in resolving this issue, we also ask agencies to consult directly with relevant scientific and technical communities on the feasibility of having the selected categories of original and supporting data subject to the reproducibility standard. Agencies are encouraged to address ethical, feasibility, and confidentiality issues

with care. As we state in new paragraph V.3.b.ii.A, "Agencies may identify, in consultation with the relevant scientific and technical communities, those particular types of data that can practicably be subjected to a reproducibility requirement, given ethical, feasibility, or confidentiality constraints." Further, as we state in our expanded definition of "reproducibility" in paragraph V.10, "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)." OMB urges caution in the treatment of original and supporting data because it may often be impractical or even impermissible or unethical to apply the reproducibility standard to such data. For example, it may not be ethical to repeat a "negative" (ineffective) clinical (therapeutic) experiment and it may not be feasible to replicate the radiation exposures studied after the Chernobyl accident. When agencies submit their draft agency guidelines for OMB review, agencies should include a description of the extent to which the reproducibility standard is applicable and reflect consultations with relevant scientific and technical communities that were used in developing guidelines related to applicability of the reproducibility standard to original and supporting data.

It is also important to emphasize that the reproducibility standard does not apply to all original and supporting data disseminated by agencies. As we state in new paragraph V.3.b.ii.A, "With regard to original and supporting data related [to influential scientific, financial, or statistical information], agency guidelines shall not require that all disseminated data be subjected to a reproducibility requirement." In addition, we encourage agencies to address how greater transparency can be achieved regarding original and supporting data. As we also state in new paragraph V.3.b.ii.A, "It is understood that reproducibility of data is an indication of transparency about research design and methods and thus a replication exercise (i.e., a new experiment, test, or sample) shall not be required prior to each dissemination." Agency guidelines need to achieve a high degree of transparency about data even when reproducibility is not required.

*Reproducibility of Analytic Results.* Many public comments were critical of the reproducibility standard and expressed concern that agencies would

be required to reproduce each analytical result before it is disseminated. While several comments commended OMB for establishing an appropriate balance in the "capable of being substantially reproduced" standard, others considered this standard to be inherently subjective. There were also comments that suggested the standard would cause more burden for agencies.

It is not OMB's intent that each agency must reproduce each analytic result before it is disseminated. The purpose of the reproducibility standard is to cultivate a consistent agency commitment to transparency about how analytic results are generated: the specific data used, the various assumptions employed, the specific analytic methods applied, and the statistical procedures employed. If sufficient transparency is achieved on each of these matters, then an analytic result should meet the "capable of being substantially reproduced" standard.

While there is much variation in types of analytic results, OMB believes that reproducibility is a practical standard to apply to most types of analytic results. As we state in new paragraph V.3.b.ii.B, "With regard to analytic results related [to influential scientific, financial, or statistical information], agency guidelines shall generally require sufficient transparency about data and methods that an independent reanalysis could be undertaken by a qualified member of the public. These transparency standards apply to agency analysis of data from a single study as well as to analyses that combine information from multiple studies." We elaborate upon this principle in our expanded definition of "reproducibility" in paragraph V.10: "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."

Even in a situation where the original and supporting data are protected by confidentiality concerns, or the analytic computer models or other research methods may be kept confidential to protect intellectual property, it may still be feasible to have the analytic results subject to the reproducibility standard. For example, a qualified party, operating under the same confidentiality protections as the original analysts, may be asked to use the same data, computer model or statistical methods to replicate the analytic results reported in the original study. See, e.g., "Reanalysis of the

Harvard Six Cities Study and the American Cancer Society Study of Particulate Air Pollution and Mortality," A Special Report of the Health Effects Institute's Particle Epidemiology Reanalysis Project, Cambridge, MA, 2000.

The primary benefit of public transparency is not necessarily that errors in analytic results will be detected, although error correction is clearly valuable. The more important benefit of transparency is that the public will be able to assess how much an agency's analytic result hinges on the specific analytic choices made by the agency. Concreteness about analytic choices allows, for example, the implications of alternative technical choices to be readily assessed. This type of sensitivity analysis is widely regarded as an essential feature of high-quality analysis, yet sensitivity analysis cannot be undertaken by outside parties unless a high degree of transparency is achieved. The OMB guidelines do not compel such sensitivity analysis as a necessary dimension of quality, but the transparency achieved by reproducibility will allow the public to undertake sensitivity studies of interest.

We acknowledge that confidentiality concerns will sometimes preclude public access as an approach to reproducibility. In response to public comment, we have clarified that such concerns do include interests in "intellectual property." To ensure that the OMB guidelines have sufficient flexibility with regard to analytic transparency, OMB has, in new paragraph V.3.b.ii.B.i, provided agencies an alternative approach for classes or types of analytic results that cannot practically be subject to the reproducibility standard. "[In those situations involving influential scientific, financial, or statistical information \* \* \*] making the data and methods publicly available will assist in determining whether analytic results are reproducible. However, the objectivity standard does not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections." Specifically, in cases where reproducibility will not occur due to other compelling interests, we expect agencies (1) to perform robustness checks appropriate to the importance of the information involved, e.g., determining whether a specific statistic is sensitive to the choice of analytic method, and, accompanying the information disseminated, to document their efforts to assure the needed robustness in information quality, and (2) address in their guidelines the

degree to which they anticipate the opportunity for reproducibility to be limited by the confidentiality of underlying data. As we state in new paragraph V.3.b.ii.B.ii, “In situations where public access to data and methods will not occur due to other compelling interests, agencies shall apply especially rigorous robustness checks to analytic results and document what checks were undertaken. Agency guidelines shall, however, in all cases, require a disclosure of the specific data sources that have been used and the specific quantitative methods and assumptions that have been employed.”

Given the differences in the many Federal agencies covered by these guidelines, and the differences in robustness checks and the level of detail for documentation thereof that might be appropriate for different agencies, we also believe it will be helpful if agencies elaborate on these matters in the context of their missions and duties, with due consideration of the nature of the information they disseminate. As we state in new paragraph V.3.b.ii.B.ii, “Each agency is authorized to define the type of robustness checks, and the level of detail for documentation thereof, in ways appropriate for it given the nature and multiplicity of issues for which the agency is responsible.”

We leave the determination of the appropriate degree of rigor to the discretion of agencies and the relevant scientific and technical communities that work with the agencies. We do, however, establish a general standard for the appropriate degree of rigor in our expanded definition of “reproducibility” in paragraph V.10: “‘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).” OMB will review each agency’s treatment of this issue when reviewing the agency guidelines as a whole.

Comments also expressed concerns regarding interim final paragraph V.3.B.iii, “making the data and models publicly available will assist in determining whether analytic results are capable of being substantially reproduced,” and whether it could be interpreted to constitute public dissemination of these materials, rendering moot the reproducibility test. (For the equivalent provision, see new paragraph V.3.b.ii.B.i.) The OMB guidelines do not require agencies to reproduce each disseminated analytic result by independent reanalysis. Thus,

public dissemination of data and models *per se* does not mean that the analytic result has been reproduced. It means only that the result should be CAPABLE of being reproduced. The transparency associated with this capability of reproduction is what the OMB guidelines are designed to achieve.

We also want to build on a general observation that we made in our final guidelines published in September 2001. In those guidelines we stated: “... in those situations involving influential scientific[, financial,] or statistical information, the substantial reproducibility standard is added as a quality standard above and beyond some peer review quality standards” (66 FR 49722 (September 28, 2001)). A hypothetical example may serve to illustrate this point. Assume that two Federal agencies initiated or sponsored the dissemination of five scientific studies after October 1, 2002 (see paragraph III.4) that were, before dissemination, subjected to formal, independent, external peer review, i.e., that met the presumptive standard for “objectivity” under paragraph V.3.b.i. Further assume, at the time of dissemination, that neither agency reasonably expected that the dissemination of any of these studies would have “a clear and substantial impact” on important public policies, i.e., that these studies were not considered “influential” under paragraph V.9, and thus not subject to the reproducibility standards in paragraphs V.3.b.ii.A or B. Then assume, two years later, in 2005, that one of the agencies decides to issue an important and far-reaching regulation based clearly and substantially on the agency’s evaluation of the analytic results set forth in these five studies and that such agency reliance on these five studies as published in the agency’s notice of proposed rulemaking would constitute dissemination of these five studies. These guidelines would require the rulemaking agency, prior to publishing the notice of proposed rulemaking, to evaluate these five studies to determine if the analytic results stated therein would meet the “capable of being substantially reproduced” standards in paragraph V.3.b.ii.B and, if necessary, related standards governing original and supporting data in paragraph V.3.b.ii.A. If the agency were to decide that any of the five studies would not meet the reproducibility standard, the agency may still rely on them but only if they satisfy the transparency standard and—as applicable—the disclosure of

robustness checks required by these guidelines. Otherwise, the agency should not disseminate any of the studies that did not meet the applicable standards in the guidelines at the time it publishes the notice of proposed rulemaking.

Some comments suggested that OMB consider replacing the reproducibility standard with a standard concerning “confirmation” of results for influential scientific and statistical information. Although we encourage agencies to consider “confirmation” as a relevant standard—at least in some cases—for assessing the objectivity of original and supporting data, we believe that “confirmation” is too stringent a standard to apply to analytic results. Often the regulatory impact analysis prepared by an agency for a major rule, for example, will be the only formal analysis of an important subject. It would be unlikely that the results of the regulatory impact analysis had already been confirmed by other analyses. The “capable of being substantially reproduced” standard is less stringent than a “confirmation” standard because it simply requires that an agency’s analysis be sufficiently transparent that another qualified party could replicate it through reanalysis.

*Health, Safety, and Environmental Information.* We note, in the scientific context, that in 1996 the Congress, for health decisions under the Safe Drinking Water Act, adopted a basic standard of quality for the use of science in agency decisionmaking. Under 42 U.S.C. 300g–1(b)(3)(A), an agency is directed, “to the degree that an Agency action is based on science,” to use “(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and (ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).”

We further note that in the 1996 amendments to the Safe Drinking Water Act, Congress adopted a basic quality standard for the dissemination of public information about risks of adverse health effects. Under 42 U.S.C. 300g–1(b)(3)(B), the agency is directed, “to ensure that the presentation of information [risk] effects is comprehensive, informative, and understandable.” The agency is further directed, “in a document made available to the public in support of a regulation [to] specify, to the extent practicable— (i) each population addressed by any estimate [of applicable risk effects]; (ii) the expected risk or central estimate of



risk for the specific populations [affected]; (iii) each appropriate upper-bound or lower-bound estimate of risk; (iv) each significant uncertainty identified in the process of the assessment of [risk] effects and the studies that would assist in resolving the uncertainty; and (v) peer-reviewed studies known to the [agency] that support, are directly relevant to, or fail to support any estimate of [risk] effects and the methodology used to reconcile inconsistencies in the scientific data.”

As suggested in several comments, we have included these congressional standards directly in new paragraph V.3.b.ii.C, and made them applicable to the information disseminated by all the agencies subject to these guidelines: “With regard to analysis of risks to human health, safety and the environment maintained or disseminated by the agencies, agencies shall either adopt or adapt the quality principles applied by Congress to risk information used and disseminated pursuant to the Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300g–1(b)(3)(A) & (B)).” The word “adapt” is intended to provide agencies flexibility in applying these principles to various types of risk assessment.

Comments also argued that the continued flow of vital information from agencies responsible for disseminating health and medical information to medical providers, patients, and the public may be disrupted due to these peer review and reproducibility standards. OMB responded by adding to new paragraph V.3.b.ii.C: “Agencies responsible for dissemination of vital health and medical information shall interpret the reproducibility and peer-review standards in a manner appropriate to assuring the timely flow of vital information from agencies to medical providers, patients, health agencies, and the public. Information quality standards may be waived temporarily by agencies under urgent situations (e.g., imminent threats to public health or homeland security) in accordance with the latitude specified in agency-specific guidelines.”

**Administrative Correction Mechanisms.** In addition to commenting on the substantive standards in these guidelines, many of the comments noted that the OMB guidelines on the administrative correction of information do not specify a time period in which the agency investigation and response must be made. OMB has added the following new paragraph III.3.i to direct agencies to specify appropriate time periods in which the investigation and response need to be made. “Agencies shall specify appropriate time periods

for agency decisions on whether and how to correct the information, and agencies shall notify the affected persons of the corrections made.”

Several comments stated that the OMB guidelines needed to direct agencies to consider incorporating an administrative appeal process into their administrative mechanisms for the correction of information. OMB agreed, and added the following new paragraph III.3.ii: “If the person who requested the correction does not agree with the agency’s decision (including the corrective action, if any), the person may file for reconsideration within the agency. The agency shall establish an administrative appeal process to review the agency’s initial decision, and specify appropriate time limits in which to resolve such requests for reconsideration.” Recognizing that many agencies already have a process in place to respond to public concerns, it is not necessarily OMB’s intent to require these agencies to establish a new or different process. Rather, our intent is to ensure that agency guidelines specify an objective administrative appeal process that, upon further complaint by the affected person, reviews an agency’s decision to disagree with the correction request. An objective process will ensure that the office that originally disseminates the information does not have responsibility for both the initial response and resolution of a disagreement. In addition, the agency guidelines should specify that if the agency believes other agencies may have an interest in the resolution of any administrative appeal, the agency should consult with those other agencies about their possible interest.

Overall, OMB does not envision administrative mechanisms that would burden agencies with frivolous claims. Instead, the correction process should serve to address the genuine and valid needs of the agency and its constituents without disrupting agency processes. Agencies, in making their determination of whether or not to correct information, may reject claims made in bad faith or without justification, and are required to undertake only the degree of correction that they conclude is appropriate for the nature and timeliness of the information involved, and explain such practices in their annual fiscal year reports to OMB.

OMB’s issuance of these final guidelines is the beginning of an evolutionary process that will include draft agency guidelines, public comment, final agency guidelines, development of experience with OMB and agency guidelines, and continued refinement of both OMB and agency guidelines. Just as OMB requested

public comment before issuing these final guidelines, OMB will refine these guidelines as experience develops and further public comment is obtained.

Dated: December 21, 2001.

**John D. Graham,**

*Administrator, Office of Information and Regulatory Affairs.*

### **Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies**

#### *I. OMB Responsibilities*

Section 515 of the Treasury and General Government Appropriations Act for FY2001 (Public Law 106–554) directs the Office of Management and Budget to issue government-wide guidelines that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies.

#### *II. Agency Responsibilities*

Section 515 directs agencies subject to the Paperwork Reduction Act (44 U.S.C. 3502(1)) to—

1. Issue their own information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency no later than one year after the date of issuance of the OMB guidelines;

2. Establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with these OMB guidelines; and

3. Report to the Director of OMB the number and nature of complaints received by the agency regarding agency compliance with these OMB guidelines concerning the quality, objectivity, utility, and integrity of information and how such complaints were resolved.

#### *III. Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*

1. Overall, agencies shall adopt a basic standard of quality (including objectivity, utility, and integrity) as a performance goal and should take appropriate steps to incorporate information quality criteria into agency information dissemination practices. Quality is to be ensured and established at levels appropriate to the nature and timeliness of the information to be disseminated. Agencies shall adopt

specific standards of quality that are appropriate for the various categories of information they disseminate.

2. As a matter of good and effective agency information resources management, agencies shall develop a process for reviewing the quality (including the objectivity, utility, and integrity) of information before it is disseminated. Agencies shall treat information quality as integral to every step of an agency's development of information, including creation, collection, maintenance, and dissemination. This process shall enable the agency to substantiate the quality of the information it has disseminated through documentation or other means appropriate to the information.

3. To facilitate public review, agencies shall establish administrative mechanisms allowing affected persons to seek and obtain, where appropriate, timely correction of information maintained and disseminated by the agency that does not comply with OMB or agency guidelines. These administrative mechanisms shall be flexible, appropriate to the nature and timeliness of the disseminated information, and incorporated into agency information resources management and administrative practices.

i. Agencies shall specify appropriate time periods for agency decisions on whether and how to correct the information, and agencies shall notify the affected persons of the corrections made.

ii. If the person who requested the correction does not agree with the agency's decision (including the corrective action, if any), the person may file for reconsideration within the agency. The agency shall establish an administrative appeal process to review the agency's initial decision, and specify appropriate time limits in which to resolve such requests for reconsideration.

4. The agency's pre-dissemination review, under paragraph III.2, shall apply to information that the agency first disseminates on or after October 1, 2002. The agency's administrative mechanisms, under paragraph III.3., shall apply to information that the agency disseminates on or after October 1, 2002, regardless of when the agency first disseminated the information.

#### IV. Agency Reporting Requirements

1. Agencies must designate the Chief Information Officer or another official to be responsible for agency compliance with these guidelines.

2. The agency shall respond to complaints in a manner appropriate to

the nature and extent of the complaint. Examples of appropriate responses include personal contacts via letter or telephone, form letters, press releases or mass mailings that correct a widely disseminated error or address a frequently raised complaint.

3. Each agency must prepare a draft report, no later than April 1, 2002, providing the agency's information quality guidelines and explaining how such guidelines will ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency. This report must also detail the administrative mechanisms developed by that agency to allow affected persons to seek and obtain appropriate correction of information maintained and disseminated by the agency that does not comply with the OMB or the agency guidelines.

4. The agency must publish a notice of availability of this draft report in the **Federal Register**, and post this report on the agency's website, to provide an opportunity for public comment.

5. Upon consideration of public comment and after appropriate revision, the agency must submit this draft report to OMB for review regarding consistency with these OMB guidelines no later than July 1, 2002. Upon completion of that OMB review and completion of this report, agencies must publish notice of the availability of this report in its final form in the **Federal Register**, and post this report on the agency's web site no later than October 1, 2002.

6. On an annual fiscal-year basis, each agency must submit a report to the Director of OMB providing information (both quantitative and qualitative, where appropriate) on the number and nature of complaints received by the agency regarding agency compliance with these OMB guidelines and how such complaints were resolved. Agencies must submit these reports no later than January 1 of each following year, with the first report due January 1, 2004.

#### V. Definitions

1. "Quality" is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these four statutory terms, collectively, as "quality."

2. "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. As a result, when transparency of information is relevant for assessing the information's usefulness from the public's perspective, the agency must take care to ensure that transparency has been addressed in its review of the information.

3. "Objectivity" involves two distinct elements, presentation and substance.

a. "Objectivity" includes whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner. This involves 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. Also, the agency needs to identify the sources of the disseminated information (to the extent possible, consistent with confidentiality protections) and, in a scientific, financial, or statistical context, the supporting data and models, so that the public can assess for itself whether there may be some reason to question the objectivity of the sources. Where appropriate, data should have full, accurate, transparent documentation, and error sources affecting data quality should be identified and disclosed to users.

b. 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.

i. If data and analytic results have been subjected to formal, independent, external peer review, the information may generally be presumed to be of acceptable objectivity. However, this presumption is rebuttable based on a persuasive showing by the petitioner in a particular instance. If agency-sponsored peer review is employed to help satisfy the objectivity standard, the review process employed shall meet the general criteria for competent and credible peer review recommended by OMB-OIRA to the President's Management Council (9/20/01) ([http://www.whitehouse.gov/omb/inforeg/oira\\_review-process.html](http://www.whitehouse.gov/omb/inforeg/oira_review-process.html)), namely, "that (a) peer reviewers be selected primarily on the basis of necessary technical expertise, (b) peer reviewers be expected to disclose to agencies prior technical/policy positions they may have taken on the issues at hand, (c) peer reviewers be expected to disclose to agencies their sources of personal and

institutional funding (private or public sector), and (d) peer reviews be conducted in an open and rigorous manner.”

ii. If an agency is responsible for disseminating influential scientific, financial, or statistical information, agency guidelines shall include a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties.

A. With regard to original and supporting data related thereto, agency guidelines shall not require that all disseminated data be subjected to a reproducibility requirement. Agencies may identify, in consultation with the relevant scientific and technical communities, those particular types of data that can practicably be subjected to a reproducibility requirement, given ethical, feasibility, or confidentiality constraints. It is understood that reproducibility of data is an indication of transparency about research design and methods and thus a replication exercise (i.e., a new experiment, test, or sample) shall not be required prior to each dissemination.

B. With regard to analytic results related thereto, agency guidelines shall generally require sufficient transparency about data and methods that an independent reanalysis could be undertaken by a qualified member of the public. These transparency standards apply to agency analysis of data from a single study as well as to analyses that combine information from multiple studies.

i. Making the data and methods publicly available will assist in determining whether analytic results are reproducible. However, the objectivity standard does not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections.

ii. In situations where public access to data and methods will not occur due to other compelling interests, agencies shall apply especially rigorous robustness checks to analytic results and document what checks were undertaken. Agency guidelines shall, however, in all cases, require a disclosure of the specific data sources that have been used and the specific quantitative methods and assumptions that have been employed. Each agency is authorized to define the type of robustness checks, and the level of

detail for documentation thereof, in ways appropriate for it given the nature and multiplicity of issues for which the agency is responsible.

C. With regard to analysis of risks to human health, safety and the environment maintained or disseminated by the agencies, agencies shall either adopt or adapt the quality principles applied by Congress to risk information used and disseminated pursuant to the Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300g–1(b)(3)(A) & (B)). Agencies responsible for dissemination of vital health and medical information shall interpret the reproducibility and peer-review standards in a manner appropriate to assuring the timely flow of vital information from agencies to medical providers, patients, health agencies, and the public. Information quality standards may be waived temporarily by agencies under urgent situations (e.g., imminent threats to public health or homeland security) in accordance with the latitude specified in agency-specific guidelines.

4. “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.

5. “Information” 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. 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.

6. “Government information” means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

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

8. “Dissemination” means agency initiated or sponsored distribution of

information to the public (see 5 CFR 1320.3(d) (definition of “Conduct or Sponsor”). Dissemination does not include distribution 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 limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

9. “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.

10. “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.

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**Editorial Note:** Due to numerous errors, this document is being reprinted in its entirety. It was originally printed in the **Federal Register** on Thursday, January 3, 2002 at 67 FR 369–378 and was corrected on Tuesday, February 5, 2002 at 67 FR 5365.

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# **ADDENDUM E**

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#### ENSURING THE QUALITY OF THE INFORMATION DISSEMINATED BY THE DEPARTMENT

The Department's Information Quality Guidelines are in accordance with the provisions of the Treasury and General Government Appropriations Act (P.L. 106-554), and OMB government-wide guidance. The administrative correction mechanisms outlined in the guidelines apply to information disseminated by the Department on or after October 1, 2002, regardless of when it was first disseminated. These Guidelines provide policy and procedural guidance to agency staff and inform the public about agency policies and procedures for making corrections to published information.

[Information Quality and Peer Review Disclaimer](#)

[Information Quality Correspondence](#)

#### References

[OMB Guidelines for Information Dissemination](#)

[OMB's Final Information Quality Bulletin for Peer Review](#)

The Department components below have published information quality guidelines.

[Executive Office of Immigration Review](#)

[Office of Justice Programs](#)

[Office of Justice Programs/Bureau of Justice Statistics](#)

[Office of the Inspector General](#)

#### DOJ INFORMATION QUALITY GUIDELINES

#### Introduction and Purpose

The Department of Justice (DOJ) is comprised of 39 separate component organizations and these components produce a variety of information which is provided to the public. The information DOJ disseminates includes: Departmental briefs in major cases, regulations, business review letters, memoranda, press releases, opinions, research, statistical and special reports, newsletters, and general publications. Not all of this information falls within these guidelines, however, it is nonetheless used by federal, state, and local government personnel, as well as the media and public, to analyze and understand various Justice and law enforcement related issues.

The purpose of this guidance is to provide an overview of DOJ's efforts to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated to the public, and describe the agency's administrative mechanisms allowing affected persons to seek and obtain, where appropriate, correction of information disseminated by DOJ that does not comply with OMB's or DOJ's information quality guidelines. DOJ recognizes that public access to information is an important government responsibility to uphold. These

guidelines do not represent an entirely new or changed policy on the Department's part, but rather a commitment to continue providing high quality information to the public. This guidance provides a foundation for more detailed procedures to be developed within DOJ.

The DOJ Office of Inspector General (OIG) has established separate Information Quality guidelines and will be reporting independently to OMB on its information quality process. Although separate from the DOJ guidelines the OIG guidance is consistent with both the DOJ and OMB guidelines. The OIG guidelines can be found on the OIG web site at <http://www.usdoj.gov/oig/FOIA/guidelines.htm>. The OIG Information Quality Guidelines describe OIG's information quality process and explains how the public can submit relevant complaints and appeals regarding OIG information disseminated to the public.

### **Background Information**

These guidelines are in response to final OMB Guidelines issued on February 22, 2002, requiring federal agencies subject to the Paperwork Reduction Act (U.S.C. chapter 35) to develop and publish their own information quality guidelines and provide the public with administrative means for requesting corrections of information. The guidelines will adhere to the basic standards cited in the final OMB Guidelines and focus on the following areas:

**Basic Standard of Quality.** Overall, agencies shall adopt a basic standard of quality (including objectivity, utility, and integrity) and will take appropriate steps to incorporate information quality criteria into agency information dissemination practices.

**Process for Reviewing the Quality of Information.** As a matter of good and effective agency information resources management, agencies shall develop a process for reviewing the quality (including the objectivity, utility, and integrity) of information before it is disseminated.

**Process for Citizen Complaint.** To facilitate citizen review, agencies will establish administrative mechanisms allowing affected persons (individual or entity that may use, benefit, or be harmed by the disseminated information at issue) to seek and obtain, where appropriate, timely correction of information maintained and disseminated by the agency that does not comply with OMB or agency guidelines. The purpose of the information complaint and appeal process is to deal with information quality matters, not resolve underlying substantive policy or legal issues.

Section 515 of the Treasury and General Appropriations Act for Fiscal Year 2001 (PL 106-554) focuses on the federal government's information dissemination activities and builds on the existing Government-wide responsibility to ensure information quality. Section 515 directs OMB to issue government-wide guidelines that "provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies." The OMB guidance (Feb. 22, 2002, Federal Register Volume 2, No. 67 at 8452) requires agencies, by October 1, 2002, to: 1) issue their own information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the OMB guidelines; and 3) report annually to the Director of OMB the number and nature of complaints received by the agency regarding agency compliance with the guidelines.

### **Scope and Applicability of Guidance**

This document provides guidance to component staff and informs the public of the agency's policies and procedures. These guidelines are not a regulation. 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.

DOJ will correct information that does not meet its guidelines or those of OMB based on the significance and impact of the correction. These guidelines apply only to information disseminated by the agency, as defined in these guidelines. Other information distributed by the agency that is not addressed by these guidelines would still be subject to any applicable agency policies and correction procedures.

Except for those categories of information that are specifically exempted from coverage (see below), these guidelines apply to all information disseminated by DOJ and DOJ initiated or sponsored dissemination of information by DOJ grantees, contractors, or cooperators on or after October 1, 2002, regardless of when the information was first disseminated. These guidelines will apply not only to information that DOJ generates, but also to information that other parties provide to DOJ, if the other parties seek to have DOJ rely on or disseminate this information, or DOJ decides to do so. This includes 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. It includes information that an agency disseminates from a web page, but does not include information disseminated by others and accessible through hyperlinks from an agency web page.

It should be noted that in urgent situations that may pose an imminent threat to public health or welfare, the environment, the national economy, or homeland security these requirements may be waived temporarily.

The guidelines do not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidential protections. The guidelines do not apply to opinions where the agency's presentation makes it clear that the material is being offered as someone's opinion rather than fact or the agency's views. In addition the guidance does **not** apply to information disseminated in the following contexts:

- limited to government employees or agency contractors or grantees unless the agency represents the information as, or uses the information in support of, an official agency position, or the grantee is disseminating the information at the request of the agency, or the grant requires agency approval of the information request;
- intra- or inter-agency use or sharing of government information;
- responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law;
- distribution limited to correspondence with individuals or persons;
- press releases fact sheets, press conferences or similar communications (in any medium) that announce, support or give public notice of information in DOJ;
- information relating to subpoenas, or adjudicative processes;
- archival records disseminated by federal agency libraries or similar federal data repositories;
- Congressional testimony and other submissions to Congress containing information that DOJ has previously provided to the public; and
- procedural, operational, policy and internal manuals prepared for the management and operations of DOJ that are not primarily intended for public dissemination.

### **Oversight/Management Responsibility**

The DOJ Justice Management Division will be responsible for the overall implementation and oversight of the DOJ information quality guidelines and for producing the annual report to OMB documenting any complaints and how they were handled. Each of the DOJ components will comply with the OMB and DOJ guidelines and designate an office responsible for ensuring the guidelines are adhered to within their component. Affected components may develop their own component-specific guidance and will establish complaint mechanisms by October 1, 2002.

### **Standards for Disseminated Information**

DOJ components will review all information dissemination products for their quality (including objectivity, utility, and integrity) before they are disseminated. In general, to maximize the quality of information

disseminated, DOJ has traditionally looked for input from a range of sources and perspectives, to the extent practicable, and subjected draft materials to a review process involving as many levels and offices as needed. Incorporating the following proposed guidelines would further reinforce DOJ's commitment to meeting these higher standards for disseminating quality information to the public.

It is important that DOJ components make use of OMB's Paperwork Reduction Act (PRA) clearance process to help improve the quality of information that DOJ collects and disseminates to the public. DOJ components already are required to demonstrate in their PRA submissions to OMB the practical utility' of a proposed collection of information the DOJ component plans to disseminate.

A basic standard of quality will be ensured and established for all information prior to its dissemination. In addition, on-going disseminated information will be reviewed on a regular basis to ensure all information is current and complies with these guidelines. OMB's guidelines define "quality" as an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these three terms, collectively, as "quality." For the purpose of these guidelines, the definitions set forth below will apply, consistent with the OMB Guidelines (paragraph V, definitions) which will also apply.

**Utility:** DOJ components will assess the usefulness of the information to be disseminated to the public. Utility is achieved by continuously monitoring information needs and developing new information sources or by revising existing methods, models, and information products where appropriate.

**Objectivity:** DOJ components will ensure disseminated information, as a matter of substance and presentation is accurate, reliable, and unbiased. Objectivity is achieved by using reliable data sources, sound analytical techniques, and documenting methods and data sources.

**Integrity:** DOJ components will ensure information is protected from unauthorized access, corruption, or revision (i.e., make certain disseminated information is not compromised through corruption or falsification). To ensure integrity of information disseminated, DOJ has in place programs and policies for securing its information as required by the Computer Security and Government Information Security Reform Acts and is highly protective of information collected under pledges of confidentiality.

Prior to dissemination, DOJ components will review all substantive information it disseminates on or after October 1, 2002. While conducting this review, DOJ will:

- allow adequate time for reviews, consistent with the level of standards required for the type of information to be disseminated;
- ensure compliance with the OMB and DOJ guidelines (i.e., utility, objectivity, and integrity requirements) as well as other DOJ component specific guidance/procedures;
- provide methodologies, origins of data, limitations of the information, etc., whenever possible, as part of information dissemination; and
- ensure that the information fulfills the intentions stated and that the conclusions are consistent with the evidence.

**For disseminated statistical information:** Additionally, statistical information disseminated will be based on (1) the promotion of sound statistical methods and (2) the principle of transparency.

**Sound statistical methods:** Sound statistical methods produce information (data and analysis results) that is accurate, reliable, and unbiased. Guidelines to promote sound statistical methods would cover the planning of statistical data systems, the collection of statistical data, and the processing of statistical data (including analysis).



**Transparency:** Transparency refers to a clear description of the methods, data sources, assumptions, outcomes, and related information that will allow a data user to understand how the information product was designed or produced. Guidelines to ensure transparency in statistical information covers the dissemination of information, including both presentation and the reporting of information sources and limitations.

**For influential information:** When information is defined as influential there is an added level of scrutiny afforded this information, to include the need to ensure it is reproducible. At DOJ, influential information is that which is expected to have a genuinely clear and substantial impact at the national level, or on major public and private policy decisions as they relate to federal justice issues. The accuracy of this information is significant due to the critical nature of these decisions. A clear and substantial impact, first of all, is one that the agency is firmly convinced has a high probability of occurring. If it is merely arguable that an impact will occur, or if it is a close judgment call, then the impact is probably not clear and substantial. To determine that there is a clear and substantial impact, the agency must have greater certainty than would be the case for many ordinary factual determinations. The impact must be on "important" public policy or private sector decisions that are expected to occur. Even if information has a clear and substantial impact, it is not influential if the impact is not on a public or private decision that is important to policy, economic, or other decisions.

At DOJ, the responsibility for determining if information is influential lies with the components that disseminate the information. DOJ components may designate certain classes of information as either "influential" or not in the context of their specific programs. Absent such designations, DOJ components will determine whether information is influential on a case-by-case basis, using the principles articulated in these guidelines.

The "influential" designation is intended to be applied to information only when clearly appropriate. DOJ components should not designate information products or types of information as influential on a regular or routine basis. Nor should DOJ components actually place an "influential" label in the title page or text of an information product.

**Reproducibility:** Means that documented methods are capable of being used on the same data set to achieve a consistent result. For more information on this term, please refer to OMB's guidelines.

### **Information Correction Request and Appeal Processes**

**Submitting a Formal Request for Correction.** All requests for correction of DOJ information must be submitted by letter, fax, or e-mail to the DOJ component or office that disseminated the information. Requests for correction should include the following information:

Statement that the request for correction of information is submitted under DOJ's Information Quality Guidelines.

Requestor contact information, including the name, mailing address, telephone number, fax number (if any), e-mail address (if any), and organizational affiliation (if any) of the person requesting the correction.

Specific description of information to correct. The name of the DOJ report or data product, the date of issuance or other identifying information such as the URL of the web page, and a detailed description that clearly identifies the specific information contained in that report or data product for which a correction is being sought.

Explanation of noncompliance with OMB and/or DOJ Information Quality Guidelines. An explanation that describes how the information is incorrect or fails to meet either the OMB or DOJ information quality guidelines.

Explanation of the effect of the alleged error. An explanation that specifies how the alleged error harms or how a correction would benefit the requestor.

Recommendation and justification for how the information should be corrected. An explanation that gives the requestor's specific recommendations for how the information should be corrected and that describes the requestor's position for why DOJ should adopt those recommendations.

Supporting documentary evidence. Supporting documentary evidence, such as comparable data or research results on the same topic, will help in evaluating the merits of the request.

Requesters should be aware that they bear the "burden of proof" with respect to the necessity for correction as well as with respect to the type of correction they seek. DOJ will base its decision on the merits of the information provided by the requestor and may be unable to process, in a timely manner or at all, requests that omit one or more of the requested elements. DOJ will not attempt to contact the requestor to obtain additional information.

**DOJ Review of the Request for Correction.** The request for correction will be processed by the DOJ component that disseminated the information in question. Based on the explanation and evidence submitted with the request for correction, a DOJ official who is knowledgeable of the subject matter will conduct a thorough review of the information being challenged, the processes that were used to create and disseminate the information, and the conformity of the information and those processes with both OMB's and DOJ's Information Quality Guidelines. After it has completed its review, DOJ will determine whether a correction is warranted, and, if so, what corrective action it will take.

Any corrective action will be determined by the nature and timeliness of the information involved and such factors as the significance of the error on the use of the information and the magnitude of the error. DOJ is not required to change, or in any way alter, the content or status of information simply based on the receipt of a request for correction.

The Department need not respond substantively to frivolous or repetitive requests for correction. Nor does the Department have to respond substantively to requests that concern information not covered by the guidelines or from a person whom the information does not affect.

**DOJ Response to the Request for Correction.** After the responsible DOJ component has made its final determination pertaining to a request for correction of information, it will respond to the requestor by letter, e-mail, or fax. The response will explain the findings and the actions to be taken (if any) in response to the complaint.

DOJ will normally respond to requests for correction of information within 60 calendar days of receipt. If the request requires more than 60 calendar days to resolve, DOJ will inform the requestor that more time is required and indicate the reason why and an estimated decision date.

**Requests for Correction Concerning Information on Which DOJ Has Sought Public Comment.** In cases where the agency disseminates a study, analysis, or other information prior to the final agency action or information product, requests for correction will be considered prior to the final agency action or information product in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the complainant has shown a reasonable likelihood of suffering actual harm from the agency's dissemination of the agency does not resolve the complaint prior to the final agency action or information product.

**Request for Reconsideration of DOJ's Decision.** If the requestor disagrees with DOJ's denial of the request or with the corrective action the Department intends to take, the requestor may file a request for reconsideration with the disseminating DOJ component. The components should generally provide that the official conducting the second level review is not the same official that responded to the initial request. Persons desiring to file a request for reconsideration should submit the request by letter, fax, or e-mail to the appropriate DOJ component. Persons requesting reconsideration should submit written material to support their case for

reconsideration. They should not resubmit the information originally submitted to support the request for correction.

Requests for reconsideration must be filed with DOJ (postmarked or shipped by an overnight delivery service) within 45 calendar days after the date that DOJ transmitted its decision on the original request for correction. Requests for reconsideration that are received by DOJ after the 45-calendar day deadline will be denied as untimely.

**DOJ Review and Response to the Request for Reconsideration.** The designated reconsideration official will review the information in question and the material submitted in support of the request for reconsideration the material submitted with the original request for correction, and the results of the DOJ organization's investigation of the matter. The reconsideration official will then arrive at a decision regarding the request for reconsideration. To ensure objectivity of statistical information considered influential, the responsible component may forward an appeal regarding influential statistical information to the Justice Management Division which will convene an inter-component panel (See Responsibilities section) for its review and a decision.

After the reconsideration official has made his or her decision pertaining to a request for reconsideration, DOJ will respond to the requestor by letter, e-mail, or fax. The response will explain the Reconsideration Official's decision and the actions the DOJ organization will take (if any) in response to the request for reconsideration.

DOJ will respond to all requests for reconsideration within 45 calendar days of receipt.

### **Responsibilities**

The Justice Management Division will:

Provide management and oversight to the DOJ-wide implementation of the guidelines

Develop and issue final DOJ information quality guidelines and post them on the DOJ website

Coordinate appropriate component guidance development with affected DOJ components

Report to the Director of OMB on the number of and nature of complaints regarding compliance with the guidelines for the quality of disseminated information and how such complaints were resolved

Establish an inter-component statistical review / appeal panel, made up of selected component representatives, to: 1) ensure consistent statistical quality standards throughout DOJ, and 2) decide appeals, if requested by components, of influential statistical information.

The designated DOJ component offices will:

Designate a point of contact for compliance with the information quality processes within their organization

Develop, if necessary, component information quality standards for ensuring and maximizing quality, objectivity, utility, and integrity of information, including statistical information consistent with these guidelines. Components may use existing standards or guidelines that comply with this guidance.

Establish a complaint and appeal process consistent with the DOJ guidelines. Ensure the component guidelines establish a mechanism to collect and track component information complaint information, to include:

the reason for the complaint,

the initial agency decision,

whether or not there was an appeal, and

if appealed, the result of appeal

Designate individual(s) responsible for reviewing and deciding the initial review of complaints and individual(s) responsible reviewing and deciding appeals.

**Reporting Requirements**

Revise draft guidelines (after considering public comments) and submit to OMB for review

Publish notice of availability of final guidelines, incorporating any changes and post final information quality guidelines

Provide annual reports to OMB (to include the number and nature of complaints received concerning agency compliance as well as how complaints were resolved)

**Privacy Act Statement**

We are authorized to collect the information you provide under section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554, codified at 44 U.S.C. § 3516, note). It is needed to process your request and allow us to reply accordingly. You do not have to furnish the information, but failure to do so may prevent your request from being processed. The information you furnish is almost never used for any purpose other than to process and respond to your request. However, DOJ may disclose information you give it (e.g., to Congressional office) if authorized or required by Federal law.

**Information Quality and Peer Review Disclaimer**

Based on the review conducted, the Department has not identified any upcoming influential scientific information (including highly influential scientific assessments) within the definitions promulgated by OMB's Bulletin M-05-03, Final Information Quality Bulletin on Peer Review. Therefore the Department has no agenda of forthcoming influential scientific disseminations to post on its website in accordance with the Bulletin. If such documents are identified, they will be posted for public review.

**Information Quality Correspondence**

The Department has received no requests for correction to information disseminated to the public, in accordance with the Information Quality Law.

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