



The Research Foundation
of State University of New York

August 13, 2001

Ms. Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC 20503

Subject: OMB Proposed Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (66 FR 34489, June 28, 2001)

Dear Ms. Dickson:

This is a response by The Research Foundation of State University of New York (RF) to the Office of Management and Budget (OMB) proposed guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies.

The RF administers, on behalf of the state-operated colleges and universities of the State University of New York, sponsored programs supported by the federal government and other sponsors. For fiscal year ending June 30, 2001, our expenditures from federal awards were approximately \$371 million. A list of the campuses in the state university system is attached.

The Foundation found the proposed guidelines to be a difficult issue to address. We understand that the proposed guidelines are imposed on the federal agencies under the Paperwork Reduction Act and OMB Circular A-130, *Management of Federal Information Resources*, and are not directly imposed on research universities. However, research universities generate much of the information that is critical to the federal agencies and the materials they distribute. Under the proposed guidelines, agency dissemination of scientific information has the potential to be treated in a way that could damage the government-university partnership. That could discourage the sharing of quality research information and potentially harm the ultimate public benefit purpose of the guidelines.

We have attached a detailed response that identifies specific issues and provides recommendations for the following topics covered in the proposed guidelines:

utility, reproduction, and quality of disseminated information
definition of affected person
impact of cost/benefit and administrative burdens

The Foundation appreciates the opportunity to participate in the rulemaking process. For clarification or questions on the RF's comment to the proposed guidelines for information dissemination, please contact Carol H. Berdar, Compliance Manager for Sponsored Programs. Carol can be reached by phone at 518-434-7143, by fax at 518-434-7290, or by e-mail at carol.berdar@rfsuny.org.

Sincerely,

Timothy P. Murphy
Executive Vice President

Attachments

c: Operations Managers
Sponsored Program Administrators
Management Staff

STATE UNIVERSITY OF NEW YORK CAMPUSES

University Centers:

University at Albany

Binghamton University

University at Buffalo

University at Stony Brook

Health Science Centers:

Health Science Center at Brooklyn

Upstate Medical University

University Colleges:

College at Brockport

Buffalo State College

College at Cortland

Empire State College

College at Fredonia

College at Geneseo

College at New Paltz

College at Old Westbury

College at Oneonta

College at Oswego

College at Plattsburgh

College at Potsdam

College at Purchase

- Specialized Colleges:

Environmental Science and Forestry

College at Farmingdale

College of Optometry

Institute of Technology at Utica/Rome

Maritime College at Fort Schuyler

Colleges of Agriculture and Technology:

College at Alfred

College at Canton

College at Cobleskill

College at Delhi

College at Morrisville

SUNY System Administration

The Research Foundation of State University of New York (RF)

Detailed Response

To

Office of Management and Budget (OMB)

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

(66 FR 34489, June 28, 2001)

Utility of Disseminated Information (V.1.A.)

- **Issue:** The proposed guidelines provide for dissemination of information that is or can be uniformly useful to all members of the public. For scientific research information, the potential *utility* is often unknown at the preliminary phases, is subject to further research, and needs continuous verification. The potential exists for the public to be misled by scientific information that is redacted and not presented in its proper context.
- **Recommendation:** The RF recommends that completeness, accuracy, and materiality should be adopted as the measures to disseminate scientific research information – instead of *utility*. In addition, we suggest that the dissemination of scientific research information not be delegated solely to the agencies' chief information officers. It is our recommendation that members of the scientific community are a necessary partner in the decision process to assure dissemination of accurate research information to the public.

Reproduction of Disseminated Information (V.1.A.)

- **Issue:** The proposed guidelines address *reproducibility* of information, and this raises concerns to assure that privacy and proprietary protections are not jeopardized. To illustrate, it will be impossible for researchers to recruit human participants for projects/clinical trials without the assurance that the participants' private/personal information will be protected from dissemination.
- **Recommendation:** The RF recommends that privacy and proprietary protections for dissemination of private/personal information be addressed in the guidelines. In addition, we recommend that federal agencies assure that these protections which are essential to maintain cohesion between the government-university partnership, are not endangered.

Quality of Disseminated Information (V.1.B.ii.a.)

- **Issue:** The proposed guidelines state that results of scientific research information "must be substantially reproducible upon independent analysis of the underlying data." The scientific community traditionally and effectively uses the peer review process to ensure *quality*, objectivity, reproducibility, clarity of presentation, and the integrity of research information. The peer review process embraces the standards by which the scientific community judges itself. "Independent analysis" of research information that is peer reviewed clearly presents a duplication of effort.
- **Recommendation:** The RF recommends that the federal agencies should be encouraged to accept the established and effective scientific peer review process as the basis to validate *quality* for the dissemination of research information. To achieve this we recommend the language in the proposed guidelines be revised to: "*With respect to scientific information, the peer review process meets the standards for independent verification.*"

Definition of Affected Person (V.2.)

- **Issue:** The proposed guidelines do not include the definition for an *affected person*. This definition is essential because Public Law 106-554 provides *affected persons* access to scientific research information and gives them the opportunity to have the information corrected. Without a clear definition, the possibility exists for scientists to be inundated or harassed with inappropriate (e.g., curiosity, bad-faith) challenge claims for correction of their research information.
- **Recommendation:** The RF recommends that, given the often preliminary nature of the material, scientific research information should not be subject to inappropriate challenge/correction. In addition to including a definition for an *affected person*, we recommend identifying the types of information that can be challenged for correction, and establishing standards for initiating a correction claim.

Impact of Cost/Benefit and Administrative Burdens

- Issue: The proposed guidelines do not address the *cost/benefit* associated with the dissemination of scientific research information. The cost/benefit of redacting scientific information for the public presents a challenge. Disseminating the information to the public may provide real benefits, however it must be made clear that there is some risk associated with the dissemination of redacted preliminary scientific information.
- Recommendation: The RF recommends that the guidance must not be interpreted by the federal agencies as a means of placing additional *administrative burdens* on scientific researchers. This could occur directly by requiring additional review methods. It could also occur indirectly by the redirection of funds *from* funding scientific research *to* replicating scientific research information, and the creation of additional procedures for review of publications.