

Office of Science and Technology Policy

Executive Office of the President

Draft Guidelines for Ensuring the Quality of Disseminated Information

May 1, 2002

SUBJECT: Draft Office of Science and Technology Policy Information Quality Guidelines

PURPOSE: The Office of Management and Budget, in implementing Public Law 106-554, has required federal agencies to make available on their Web sites, no later than October 1, 2002, guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies, including 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.

The Office of Science and Technology Policy (OSTP) now seeks public comments on the following draft guidelines covering pre-dissemination information quality control, and an administrative mechanism for requests for correction, of information publicly disseminated by OSTP. Comments should be submitted by June 14, 2002.

Please submit comments to Stan Sokul of the Office of Science and Technology Policy, by fax at 202-456-6021. Comments can also be e-mailed to ostpinfo@ostp.eop.gov.

The comments received by OSTP will become a matter of public record. Revised OSTP guidelines will be available on OSTP's Web site, www.ostp.gov on or before October 1, 2002. Notice of the availability of these guidelines will be published in the Federal Register. OSTP's guidelines may be revised periodically to address the needs of OSTP and concerns expressed by the public.

BACKGROUND:

I. Information Quality Requirements.

1) These guidelines present the manner in which the Office of Science and Technology Policy proposes to comply with Section 515 of Public Law 106-554 (Section 515). These guidelines describe how OSTP will:

1. Ensure the quality, objectivity, utility, and integrity of information it publicly disseminates;
2. Provide administrative mechanisms for affected persons to request that corrections be made to the information OSTP publicly disseminates; and
3. Report to the Office of Management and Budget (OMB) on the number of requests for correction that OSTP receives, and how the requests were handled.

2) These draft guidelines will be made available on OSTP's Web site, and notice of their availability will be published in the Federal Register.

3) 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."

4) Under the law, each agency must issue its own implementing guidelines that include "administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency," if such information does not comply with the OMB guidelines. Section 515 also requires each agency to report "periodically" to OMB on "the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency," and on "how such complaints were handled by the agency."

5) OMB published its final, corrected guidelines for agencies on January 3, 2002. As amended on March 4, 2002, OMB required each agency to prepare initial draft guidelines by May 1, 2002. OMB also required each agency to make available its draft guidelines on the agency's Web site, and to publish notice of their availability in the Federal Register. After consideration of the public's comments, by July 1, 2002, agencies must submit their draft guidelines to OMB for review. Upon completion of OMB's review, the agencies must finalize their guidelines by October 1, 2002. Finally, by January 1 of each year, agencies must report to OMB on their actions under the law in the prior Fiscal Year, with the first report due on January 1, 2004.

II. The Office of Science and Technology Policy.

1) The Office of Science and Technology Policy was created under the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94-282). This Act calls for OSTP to "serve as a source of scientific and technological analysis and judgment for the President with respect to major policies, plans, and programs of the Federal Government." The Act authorizes OSTP to:

- Advise the President and others within the Executive Office of the President on the impacts of science and technology on domestic and international affairs;
- Lead an interagency effort to develop and implement sound science and technology policies and budgets;
- Work with the private sector to ensure Federal investments in science and technology contribute to economic prosperity, environmental quality, and national security;
- Build strong partnerships among Federal, State, and local governments, other countries, and the scientific community;
- Evaluate the scale, quality, and effectiveness of the Federal effort in science and technology.

2) The Director of OSTP is a Senate confirmed position, and OSTP has two Associate Directors -- one for Science and one for Technology -- who are also Senate confirmed. OSTP does not have any operational authority (*i.e.*, procurement or grant-making authority), but does assist the National Science Foundation in managing a grant that funds the Science and Technology Policy Institute (STPI), presently being serviced by the RAND Corporation.

3) The Director of OSTP is a member of the President's senior staff, and participates at the highest levels of presidential decision making. The OSTP Director also chairs the President's National Science and Technology Council (NSTC) in the absence of the President and Vice President, and co-chairs the

President's Council of Advisors on Science and Technology (PCAST). More information on these entities is provided on OSTP's Web site, www.ostp.gov.

DRAFT OFFICE OF SCIENCE AND TECHNOLOGY POLICY INFORMATION QUALITY GUIDELINES

I. OSTP's Information Quality Policy.

- 1) Concomitant with its role to "serve as a source of scientific and technological analysis and judgment for the President," the Office of Science and Technology Policy will operate to ensure and maximize the quality, objectivity, utility and integrity of the information it disseminates to the public.
- 2) The Director of OSTP is ultimately responsible for the quality of the information the agency disseminates. This responsibility is generally delegated to the agency's Associate Directors, each of whom is responsible for the quality of information disseminated by the divisions they lead. Accordingly, except as specified in the Guidelines below, the OSTP Associate Directors will be responsible for overseeing compliance with Section 515 and OMB's implementing guidelines.

II. OSTP's Information Quality Guidelines.

A. Scope and Applicability.

- 1) OSTP will review its information dissemination products for the quality of the information contained within them according to the following general procedures:
 1. Information Disseminated Prior to October 1, 2002: OSTP's administrative mechanisms for resolving requests for corrections will apply.
 2. Information Disseminated on or after October 1, 2002: OSTP's pre-dissemination review process will apply. Once disseminated, the administrative mechanisms for resolving requests for corrections will also apply.
- 2) OMB guidelines define quality to consist of utility, objectivity and integrity. Utility means that the information is useful to its intended users. Objectivity consists of presentation and substantive components. The information must be presented in an accurate, clear, complete and unbiased manner, and substantively the information must be accurate, reliable and unbiased. Integrity refers to securely preserving the information once it is first assembled and disseminated, so that its accuracy and utility will be preserved for all subsequent disseminations.
- 3) OSTP will act both to review information for objectivity and utility prior to its public dissemination, and to protect the integrity of information once it has been publicly disseminated.

B. Pre-dissemination Review for Objectivity and Utility.

- 4) OSTP is committed to ensuring the objectivity and utility of the information it publicly disseminates, and will operate to review publicly disseminated information consistent with OMB guidelines.
- 5) OSTP's pre-dissemination review process will function in a flexible manner in accordance with the agency's operational nature. OSTP does not conduct original research and does not have procurement

authority. Rather, the agency provides guidance, and administrative assistance, to coordinate the activities of other agencies. OSTP will occasionally publish independent reports, and also supports the activities of PCAST.

6) OSTP generally oversees interagency discussions of particular subjects, and participates in the process by which the resultant public reports, if any, are generated (through the NSTC process or otherwise). Accordingly, OSTP has some influence over the content of such reports. In the final analysis, however, OSTP does not conduct the agencies' work, but rather coordinates the agencies' work in generating their work product including public reports.

7) The nature of OSTP's role means that it virtually never has sole control over the information being disseminated to the public, and indeed other agencies generally take the lead in publicly disseminating information. OSTP's information quality role is most closely akin to the sponsorship role discussed in the OMB guidelines, under which an agency has authority to review and approve of information before it is released. In practice, however, OSTP works in a collaborative environment with other agencies.

8) OSTP undertakes its collaborative interagency activities with a presumption that, like OSTP, every agency fully intends to comply with all applicable laws and regulations, including Section 515 and the OMB guidelines. OSTP will be mindful that the information being provided by the agencies may result in a report that not only will advise the President but also will be publicly disseminated by another agency or by OSTP itself. Consistent with OMB guidelines, OSTP will work to ensure that basic information standards are being met.

9) To extent public reports rely on scientific or technical data, OSTP will strive to ensure the data are peer reviewed consistent with OMB guidelines. Proper peer review will create a presumption that Section 515's quality standard has been met. If underlying data are not peer reviewed, OSTP will work to ensure the data's methodology and potential deficiencies are transparent, and candidly discussed in the report being prepared for public dissemination.

10) With respect to public reports containing "influential scientific, financial, or statistical information" relating to important policy matters, OSTP will strive to ensure that OMB's higher quality standard is met. In this instance, OSTP will work to ensure that enough information will be made available in the report being disseminated, or upon request, such that the underlying data or analytical results can be reproduced consistent with OMB guidelines.

11) In Section V below, OSTP fully adopts OMB's definition of "objectivity" to provide additional guidance to the public and OSTP's own employees on the review requirements associated with ensuring objectivity through transparency, peer review and reproducibility.

12) When information is being prepared for public dissemination by other agencies, OSTP will point out where and how it believes information being provided by agencies is deficient under these guidelines, and will work with the agencies to correct such deficiencies. When OSTP is preparing to publicly disseminate information itself, OSTP will undertake this deficiency review process of its own accord.

13) OSTP also works with Federal Advisory Committee Act (FACA) committees, including PCAST. PCAST is an independent advisory body established by Executive Order, and other FACA committees have a similar measure of independence. Once these FACA committees gather information, exercise their independent judgement to formulate recommendations to the President (or other agency officials) and complete reports, FACA requires OSTP make those reports available to the public. If OSTP plans to rely upon information contained in FACA committee reports for the preparation of additional

information dissemination products, OSTP will undertake a pre-dissemination review of the information's quality as described in these guidelines.

C. Preservation of Information Integrity.

14) OSTP is committed to the preservation of information integrity. OSTP protects its computer and paper records so that the information it disseminates will not be subject to unauthorized and unintentional modification, corruption or falsification.

1. Computer Security.

15) All Executive Office of the President (EOP) offices, including OSTP, rely upon the EOP Office of Administration (OA) for ensuring the integrity of electronic information. OSTP has its own Office of Budget and Administration that works with OA to operate OSTP's computer network, to implement and maintain new computer software and hardware systems, and to provide operational support for systems and systems users.

16) OA is responsible for computer security throughout all EOP offices, and owns the EOP computer network. OSTP has no discretion in the implementation of OA security requirements, and OSTP follows all applicable OA guidelines.

17) Internally, OSTP maintains additional security features such as restricting user access to certain files and folders. OSTP also operates its Web page independently of OA, and relies upon a contractor for firewall protection and Web based security. OSTP requires this contractor to maintain a very high level of security for OSTP's Web page.

2. Paper Records and Documents.

18) Generally, OSTP is required to follow Federal Records Management requirements, and for PCAST OSTP maintains records under the Federal Advisory Committee Act. OSTP obeys all applicable laws and regulations under FACA, and follows a National Archives and Record Administration-approved general records schedule for the disposition of other OSTP records. (Under this schedule, "disposition" encompasses the entire range of records management functions from file creation and maintenance, to records preservation, to records retirement). OSTP's Office of Budget and Administration is responsible for overseeing the agency's compliance with FACA and its general records schedule.

II. Administrative Corrections Mechanism.

A. Initial Correction Request.

1) Any person affected by the information OSTP publicly disseminates, as intended by Section 515, may request the timely correction of that information.

2) Any "affected person" may submit a timely request for correction to the Director of OSTP, who will direct the request to the appropriate Associate Director for consideration.

1. For information first published on or after October 1, 2002, requests for correction will be presumed timely if received within 60 days of the product's initial dissemination.

2. For information first published prior to October 1, 2002, requests for correction will be presumed

timely if received by December 1, 2002.

3) The request for correction under Section 515 and these guidelines must:

1. Be in writing;
2. Clearly explain how the person is an "affected person," as defined by these guidelines;
3. Clearly identify the information dissemination product;
4. Clearly identify the information within that product alleged to be incorrect;
5. Suggest and explain appropriate corrective action, including the justifications for the changes or other remedial actions being sought; and
6. Be clearly marked "Information Correction Request" and addressed to: The Director of the Office of Science and Technology Policy, Executive Office of the President, Eisenhower Executive Office Building, 1650 Pennsylvania Avenue, NW, Washington, DC 20502. The request should be faxed, not mailed, to 202-456-6021. The request can also be emailed to ostpinfo@ostp.eop.gov.

4) If the information disseminated by OSTP and contested by an affected person was previously disseminated by another Federal agency in virtually identical form, then the complaint should be directed to the originating agency.

5) Once an Information Correction Request has been received, it is OSTP's intention for the Associate Director (AD) to respond within 60 days, beginning at the time of OSTP receipt. The AD may extend the response period for an additional 30 days if: (1) the AD determines an extension is appropriate, and (2) promptly provides the requestor the reasons why more time is needed. Such reasons may include the need to review multiple records encompassed by a single request, or the need to consult with other Federal agencies that have a substantial interest in the information at issue and the change being sought.

6) Once received, the AD shall initially determine whether the request meets threshold requirements for standing, such as whether the request:

1. Is timely;
2. Is from an "affected person," as defined in these guidelines;
3. Is appropriately directed to OSTP;
4. Alleges errors in information subject to correction (*i.e.*, implicates "information" as defined in these guidelines); or
5. Reasonably describes:
 - (a) the information source;
 - (b) the information alleged to be incorrect; and
 - (c) a suggested remedy, including justifications for the remedy being sought.

7) If the AD determines the request does not satisfy one or more of the threshold requirements for standing, the AD will respond to the requester explaining why the request was deficient. If the request was deficient due to an insufficient description of the disseminated information source or the information alleged to be incorrect, as a matter of discretion the AD may advise the requester what additional clarification is required and provide a reasonable time for a proper clarification to be submitted. Otherwise, the AD shall determine whether the request for correction has merit, as well as the type of remedy that is most appropriate for the alleged error at issue, if proven. Given the multiple types of information that may be involved, as well as the wide range in possible levels of the information's importance, a great variety of remedies may be appropriate. The AD has discretion to implement the requester's suggested remedy, or to choose another remedy the AD deems most appropriate in the given circumstances. The Associate Director will respond to the affected person with an explanation of the decisions that were made on both the error at issue and the remedy, if any, selected to address it.

B. Appeal Requests.

8) If the affected person does not agree with OSTP's initial decision (including the corrective remedy), the person may petition for reconsideration. The appeal request must be in writing, and addressed and delivered in the same manner as the original request, except that it should be clearly labeled, "Information Correction Appeal." The appeal request must clearly and fully describe the basis for the appeal. The appeal request must be received by OSTP within 30 days of the date on OSTP's original determination letter.

9) Upon receipt, appeals shall be routed to OSTP's General Counsel, who shall make an independent determination on all aspects of the petitioner's standing, the error at issue, and the remedy, if any, needed to address it. The General Counsel may consult with the Associate Director involved in the original determination, the agency's other Associate Director, and OSTP's Director. The General Counsel may also consult with other individuals both internal and external to OSTP who may aid in deliberating upon the appeal. It is OSTP's intention to answer appeals within 60 days.

III. Annual Reports to OMB.

1) OSTP will submit an annual report to the Director of OMB on the requests for corrections received by OSTP during the prior Fiscal Year. The annual report shall provide the number of requests received, the nature of the requests received, and how they were handled by OSTP. The report shall contain an explanation for why requests were denied or corrective action limited.

2) The first report will cover Fiscal Year 2003, and shall be submitted to OMB by January 1, 2004.

IV. Definitions.

1) "Affected person" means anyone (including a group, organization or corporation as defined in the Paperwork Reduction Act) who may benefit or be harmed by the publicly disseminated information, including those who are seeking to correct information about themselves and those who use the information.

2) "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 OSTP disseminates from its Web page. This definition does not include:

- a) Opinions or policy positions, where the presentation makes clear that the statements are subjective opinions or policy recommendations, rather than facts;
 - b) Information originated by, and attributed to, non-agency sources, provided OSTP does not expressly rely upon it. Examples include: non-U.S. government information reported and duly attributed in materials prepared and disseminated by OSTP; hyperlinks on OSTP's Web site to information that others disseminate; and reports of advisory committees and international organizations published on agency's Web site;
 - c) Statements related solely to the internal personnel rules and practices of OSTP and other materials produced for agency employees, agents or alumni;
 - d) Descriptions of the agency, its responsibilities and its organizational components;
 - e) Statements, the modification of which might cause harm to the national security, including harm to the homeland security, national defense or foreign relations of the United States;
 - f) Testimony of OSTP officials before courts, administrative bodies, or Congress;
 - g) Investigatory material compiled pursuant to U.S. law or for law enforcement purposes in the United States or abroad; or
 - h) Statements which are, or which reasonably may be expected to become, the subject of litigation, whether before a U.S. or foreign court or in an international arbitral or other dispute resolution proceeding.
- 3) "Dissemination" means agency initiated or sponsored distribution of information to the public (see 5 C.F.R. 1320.3(d) (definition of "Conduct or Sponsor")). Dissemination does not include:
- a) Distribution limited to government employees or agency contractors or grantees;
 - b) Intra- or inter-agency use or sharing of government information;
 - c) Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar laws; and
 - d) Distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.
- 4) "Quality" is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these four statutory terms, collectively, as "quality."
- 5) "Utility" refers to the usefulness of the information to its intended users, including the public.
- 6) "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.

1. 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), 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."
2. 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 a qualified member of the public could undertake an independent reanalysis. These transparency standards apply to agency analysis of data from a single study as well as to analyses that combine information from multiple studies.

1. 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.
2. 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.

7) "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.

8) "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.

9) "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.

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

11) "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.