

5333 N. Winthrop Ave
Chicago IL 60640
August 9, 2001

Ms. Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington D.C. 20503

Dear Ms. Dickson

The following, in no particular order, are my comments and suggestions relating to OMB's proposed guidelines for ensuring and maximizing the quality, objectivity, utility and integrity of information disseminated by Federal agencies, published in the Federal Register on June 28, 2001.

In general, for the benefit of those at the agency level who must develop the procedures and write the report, it would be helpful for OMB in the background section of the final regulations to discuss the rationale for Section 515--the reasons for enactment. Legislation of this nature is seldom enacted except in reaction to a perceived problem. Was it inaccurate information disseminated by some agency or the inability of members of the public to correct the perceived inaccurate information? Did it have anything to do with what the drafters perceived as biased information disseminated by some agencies?

Section 515(b)(2), as quoted in the proposed guidelines, states "Require that each Federal agency *to which the guidelines apply*--(italics added)" do A, B, & C. From this language, it would appear that there are some Federal agencies to which the guidelines DO NOT apply; else, why the qualifying language; why wouldn't the text end with "each Federal agency." If this interpretation is correct, it would be helpful for OMB to clarify to which Federal agencies the guidelines apply and to which they do not apply.

3 suggest that OMB define the following terms in the final regulations:

reproducibility, transparency, error sources, and affected persons

The terms *reproducibility* and *transparency* are used by OMB under V.1.A of the proposed regulations but are not defined. The term *error sources* is found under V.1.B.i.b. The term *affected persons* is taken from Section 515(b)(2)(B)

4. Under definitions, V. C., the following is stated:

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

It would appear from a practical standpoint that this requirement applies only to information that is disseminated via an agency's web site (or sites) and refers to the possibility of alternation of information by hackers. Once a pamphlet or booklet has been printed, it cannot be altered. Although someone could substitute an unauthorized version for the official version, that is unlikely to occur, and I'm not sure that such an action is preventable, in any case.

In the final regulations, it is suggested that OMB make clear that this provision relates to information disseminated via the web and that compliance relates to an agency taking adequate security measures to prevent alternation as well as measures to detect alteration so that correction can be taken in a timely manner.

Also, I believe the reference to "access" should be deleted. Since the information is being disseminated and since dissemination is defined as "distribution...to the public," "unauthorized access" is an oxymoron.

5 OMB might want to clarify whether an agency's final regulations should be included as an information dissemination product for purposes of Section 515. Since the rule making procedure allows for public comment prior to publication of final regulations, one might argue that the intent of Section 515 has been satisfied; on the other hand, the period for public comment is short, and Section 515 does not limit the period during which an affected person can seek correction of other information disseminated by an agency.

6. You asked whether the OMB guidelines should devote particular attention to specific types of information or information products? I believe the guidelines should do this. At the minimum, distinctions should be made for statistical information, scientific information, and information about an agency's programs. Where those programs can be classified as benefit programs, the information would encompass eligibility, application, and appeals of decisions. The reasoning for making the distinctions is that statistical and scientific information should be subject to greater review than information about an agency's programs. An additional distinction should be made as to the type of medium used for the dissemination, e.g. print, audio (radio, tape), audio-visual (TV, tape) and web page. I do believe that OMB should develop specific guidelines to address information that agencies disseminate from a web page. As discussed above, there is a need for agencies to take measures to reduce the risk that a hacker would alter the information on a web page.

I believe the final guidance should be more specific and offer practical examples of measures that agencies can take to "ensure and enhance the quality, objectivity, utility, and integrity of information...disseminated." As they now read, the guidelines for the most part offer little beyond the what the law itself states. Consider the following examples:

III.1 Overall, agencies should adopt a *high standard* of quality...as a performance goal and should take appropriate steps to incorporate *information quality criteria* into agency information dissemination practices. (italics added). What agency would adopt a *low* or even a *medium* standard of quality as a performance goal? And what are information quality criteria?

III.2 ...agencies should develop a process for reviewing and documenting for users the quality...of information before it is disseminated.... This process should enable the agency to attest to the quality of the information it has disseminated. "Before it is disseminated," is an easy concept to understand, but "documenting for the user" is not; I do not understand what is meant here. An example would help.

V.1.A. ...when the issues of the reproducibility and transparency 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. In addition to defining the terms reproducibility and transparency in relation to information dissemination, an example or two would help clarify this concept.

V.1.A.....For disseminated information to be useful, the presentation should clearly reflect the quality of the information. It is unclear what is meant here. An example would be useful in enabling the reader to understand the meaning.

V.1.B.i.a. and b

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.

Item b. is not parallel in construction with a. Perhaps--and I am no means sure--the meaning would be clearer if "should be" is substituted for "was" [obtained] and "are" [identified and disclosed.]

Quality is an illusive concept; "objectivity, utility, and integrity" are more readily grasped, though they are still not without problems in terms of application. *Utility* will vary with the person receiving the information; not every person who picks up a pamphlet or views an agency web page will find the information contained therein useful. *Integrity*, as discussed above, applies primarily--if not exclusively--to information contained on web pages. *Objectivity* would appear to apply to only a very small fraction

of the information that agencies disseminate, primarily when an agency evaluates its performance, or when it engages in the publication of research--especially when the area of research is controversial, e.g. studies on the potential effectiveness of a missile defense system by the Department of Defense.

8 It seems that realistically the main measure--and possibly the only--measure to enhance the quality of information dissemination products is to provide for "adequate" review by a person or persons other than the author(s) prior to dissemination, first for subject matter accuracy, then to detect errors in spelling, grammar, and punctuation, and then for understandability by the intended readers. This being the case, I believe that the final guidelines should be explicit about the need for prior review along these lines.

9 I would eliminate from the final regulations the requirement that agencies publish in the Federal Register the availability of their first report to OMB. I would also eliminate the requirement that they post that report on their web site. Both of these requirements are OMB requirements that go beyond what the law specifically requires and thus could be eliminated by OMB. In my view, the report and the agency guidelines to which they refer or transmit would not have sufficient utility to the general public to warrant the expense and effort. It would be better, in my view, to require agencies to post on their web sites a notice on how members of the public can seek to correct information disseminated by the agency that they consider inaccurate, confusing or biased. See my last comment.

10 Finally, I offer a practical suggestion for compliance with the requirement for agencies 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." I suggest that agencies be required to place on their information dissemination products a notice along the lines of the following: "If you believe that the information contained [in this pamphlet, on this web page] is inaccurate, confusing, or biased, we invite you to write or email us with your comments. Please be as specific as possible in identifying the language that you believe is either inaccurate, confusing or biased. If you believe that any language is confusing, we would appreciate your suggesting language that would make the meaning clear. You may write us at... or you may email us at..."

The concept is similar in nature to the requirement that agencies post a Paperwork Reduction Notice on any instrument that they use to collect information from 10 or more members of the public.

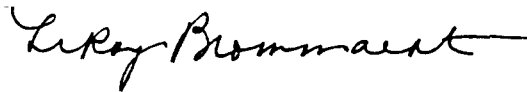
In reviewing the draft regulations and the comments that you receive, I suggest that OMB apply, or attempt to apply, the criteria contained in the regulations themselves, if, for no other reason, but as an exercise to see how difficult they are to apply. For example, what "information quality criteria" did OMB apply in the writing of the regulations? How useful to the intended users [the

writers of agency guidelines] are the regulations? Specifically, how clear and understandable are they?

I hope that my comments are not viewed as being harsh. That is not my intent. I am fully aware how difficult it is to craft guidelines to implement something that one did have a role in creating and may not clearly understand oneself. And, of course, it is far easier to critique than to create.

I trust the above has been at least somewhat helpful,

Sincerely,

A handwritten signature in black ink that reads "LeRoy Blommaert". The signature is written in a cursive style with a long horizontal line extending to the right.

LeRoy Blommaert