

3 August 2001

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

RE: Proposed guidelines for ensuring and maximizing
the quality, objectivity, and integrity of information
disseminated by federal agencies (66 FR 34489;
June 28, 2001)

Dear Ms. Dickson,

The American Psychological Society appreciates the opportunity to comment on the above-referenced proposed guidelines. APS is a 15,000-member organization of scientists and academics located in colleges and universities across the country. The Society's mission is to promote, protect, and advance the interests of scientifically oriented psychology in research, application, teaching, and the improvement of human welfare.

The purpose of this new regulation would be to ensure a "maximizing of the quality, objectivity, utility and integrity of information disseminated by federal agencies." We are concerned about several issues it raises. We particularly are concerned as to how this new regulation would impact scientific findings and the dissemination of otherwise background data.

APS believes these guidelines should be as narrow as possible, in order to protect scientific integrity. As one example, we believe an important issue is in the meaning of the word "disseminate." As now proposed, these guidelines, which could allow confidential research findings to be easily scrutinized, apply to "information **disseminated** by federal agencies." Because this wording is open to broad interpretation, (despite the definition provided of "government initiated distribution of information to the public"), we are fearful that it may apply to any research cited by federal agencies. APS is very concerned about the far reaching potential. Shouldn't this mean information relied upon by federal agencies? Or, does it really mean any information noted by or merely cited by federal agencies.

We believe OMB should consider replacing this language with much more specific verbiage. A study that is merely cited in a federal report should not be subject to the same scrutiny as one at the foundation for a report. We offer as an alternative "**promulgated**," which would apply to information put into law or heavily relied upon by government, as opposed to "disseminated," which could apply to any information dispersed through a federal agency.

At first blush it appears we are nitpicking over the definition of "dissemination", yet this could become the trigger for a specious attack on data. Let us provide one context (out of many we could use) for our concern. The protection of human subjects and their privacy is a subject taken extremely seriously by the scientific community. Yet, the proposed language could subject

raw data, researchers notes, journals, and other information on subjects that is of a highly personal and private nature to an untenable attack. *"With respect to scientific research information, the results must be substantially reproducible upon independent analysis of the underlying data."* Many independent analyses of underlying data would breach the privacy protections in place that are required before research is allowed to proceed. The could have a chilling effect that would result in far less important research ultimately conducted. It also could inhibit subjects from participating, especially if they knew that personal and private information gathered in the course of an experiment could be viewed by anyone who wishes to make a FOIA request.

In another area of the guidelines, we are concerned that agencies would be required to establish administrative mechanisms to allow **"affected persons to seek and obtain correction of information"** maintained and disseminated by the agency that does not comply with the guidelines." Therein lies a mammoth potential for abuse by individuals and organizations whose motive is nothing more than to prevent the dissemination or use of data in question. The term "affected person" must be specified. Anyone with a hidden agenda who wants to gain access to background data should not be allowed to claim they were affected without better proof. Frivolous claims should be discouraged by a strict. Perhaps an "affected person" should be limited to one who has suffered monetary or proprietary damage. The damages must be actual, not speculative. A strict definition would prevent challenges by those who disagree with the implications of research findings vs. those who take issue with the scientific basis of the research. Challenges to research and findings should be in the name of science and scholarship, not politics.

Under this language, those who seek "correction of information" are permitted to make challenges, which can be without scientific merit, can be inaccurate, can be non-objective. Any "correction" to scientific data not based on science itself would constitute data tampering. If millions of dollars, including federal funds, and years of research is spent on a particular set of studies, their results should not be allowed to be challenged with an eraser and pencil. This would be an affront to science and to the public at large. The federal government already has policy in place to correct the research record when federal funds are involved and the integrity of data is questioned (*Federal Register* 65: 76260-76264).

Additionally, it appears from the proposed rule that anyone would be able to make a charge that the data disseminated are flawed, and the onus could be on the federal agency or data source to refute that claim. Instead, the burden of proof should lie with those making the challenge. That proof should then meet a standard of science and expertise in the field, so that a simple disagreement with policy implications of data could be easily dismissed. Further, challenges are costly and time consuming, and that cost should not be borne by the agency, especially if the challenge is without merit. Those who wish to challenge a scientific finding must be willing to put in the time and money that the original researchers invested.

We thank you for welcoming our comments. We hope that you will consider these points, and protect the integrity of scientific data on which so many of our nation's policies are

built.

Sincerely,

Alan Kraut
Executive Director
American Psychological Society