



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE CHIEF INFORMATION OFFICER

THE CHIEF INFORMATION OFFICER

MEMORANDUM

AUG 13 2001

TO: Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget

FROM: Craig B. Luigart
Chief Information Officer

SUBJECT: Federal Register (June 28, 2001, pp. 34489-34493) Notice
On Ensuring Quality Information

There are a number of issues raised by the professional program staff at our agency that require clarification by OMB on the important issue of ensuring that quality information is used and disseminated by the Federal agencies. We at the Department of Education are committed to establish workable policies and processes over the next few months and welcome further clarification on the following issues.

Is it your intention that correspondence, newsletters, training materials, and audio-visual presentations be included in the material for which the CIO would need to ensure quality, completeness, and accurate presentation? An affirmation of this intent would have significant resource implications.

Is it your intention by including the "opinions" in your definition of "information" that the CIO be responsible for judging the appropriateness of policy related documents developed and distributed by this administration's political leadership? Do you intend for the CIO to judge the "objectiveness" of the information provided by these people in their speeches, program guidance documents, and policy statements?

Is it your intention by using the term "affected persons" under the agency responsibility to "establish administrative mechanisms" (p. 34491) to exclude associations, organizations, private companies, or other government agencies? We suggest including a definition of "person" consistent with the one used in the Paperwork Reduction Act (44 USC 3502(10)) to assure key partners of the department such as state agencies and national associations are included.

Another issue not discussed in the OMB guidance is the challenge of addressing the components of quality data when those components conflict with each other. We have different audiences for the same set of education data. The presentation of “clear” information for one segment of our audience will not be “complete” information for another segment of our audience. The requirement for “utility” is often a factor of “timeliness” and “timeliness” often conflicts with “completeness” and “accuracy”. OMB needs to articulate an understanding of this in their guidance in order to moderate the expectations of the public toward workable Federal agency policies.

We are concerned that the notice in the Federal Register may have created a misperception about the Federal commitment to quality information. Ending on the definition of “dissemination” OMB leaves the reader with the suggestion that there will be two levels of commitment to quality information. The higher level addresses information the dissemination of which is “initiated” by the government to the public and the lesser level including that information the public obtains by FOIA requests, and “replies to correspondence, and subpoenas or judicial process.” We do not believe it is the intent of these guidelines to suggest an agency’s responses to FOIA requests or subpoenas will have less scrutiny for quality than the data on an agency website. As you wrote in your second principle, “The more important the information, the higher the quality standards to which it should be held.” (p. 34490)

Part of the problem with this focus on “disseminated information” comes from the OMB omission to fully quote the legislation in the supplementary information section of the notice (p. 34489). Quoting the need for “quality, objectivity, utility, and integrity of information . . . disseminated by Federal agencies” OMB ends the quote with a period instead of properly identifying missing information with an ellipse and a period. The legislation goes on to qualify this instruction with the words “in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.” This qualification gives the legislative charge to agencies a much broader focus than simply “disseminated information.”

The purposes of the Paperwork Reduction Act (PRA) found in 44 USC 3501 specifically include a provision for the agency’s CIO to “improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society” (44 USC 3501(4)). These purposes also include the provisions to “ensure the greatest possible benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government” (44 USC 3501(2)) and to “strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing burden and maximizing the utility of

Information created, collected, maintained, used, disseminated, and retained by or for the Federal Government” (44 USC 3501(6)).

When these descriptions are compared with the definition of “Government information” proposed by OMB in this notice a considerable amount of government information is not covered by these quality requirements. We would suggest that the OMB definition also include all agency information that is “maintained, used, shared, and retained” by or for an agency. This would make it consistent with the purposes of the PRA cited above. By including these terms in the definition of government information and by defining disseminated information as “any agency information that may be disseminated *or used in the agency’s decisionmaking processes*” OMB will remove the specter of two classes of information quality and emphasize the intent of the PRA to ensure the quality of all government information “to strengthen decisionmaking, accountability, and openness . . .” (44 USC 3501(4))

In summary, we believe that:

1. the definition for “information” should not include “opinions” or otherwise limit the prerogatives of the administration’s leadership,
2. the definition for “Government information” should include “maintained, used, shared, and retained” by of for the Federal Government consistent with 44 USC 3501(2) and 44 USC 3501(6),
3. the definition of “Dissemination” should be dropped as unnecessary since CIO information quality control policies and processes will not be limited to disseminated information, and
4. a definition for “person” consistent with 44 USC 3502(10) should be included to acknowledge that our agency partners include organizations as well as individuals.

Thank you for your consideration of these suggestions. The Department of Education remains committed to establishing policies and processes that ensure quality information is used by it decision-makers and distributed to its partners in the national education community.