

## **U.S. DEPARTMENT OF THE INTERIOR**

### **INFORMATION QUALITY GUIDELINES PURSUANT TO SECTION 515 OF THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT FOR FISCAL YEAR 2001**

By notice published in the Federal Register, 67 FR 8452, dated February 22, 2002, the Office of Management and Budget (OMB) directed Federal agencies to issue and implement guidelines to ensure and maximize the *quality, objectivity, utility, and integrity* of Government information disseminated to the public. The Department of the Interior is issuing these Information Quality Guidelines in order to: 1) ensure high quality information is generated, used, and disseminated at the Department of the Interior; and 2) comply with this direction. This document is the basis for Departmental policy. Bureaus and appropriate offices have published their final guidance prior to the statutory compliance date. For further information, contact the Chief Information Officer, U.S. Department of the Interior, Washington, DC 20240. Telephone: 202-208-6051. Fax: 202-501-2360.

#### **I. Background.**

The U.S. Department of the Interior, its offices, its eight component bureaus and the National Invasive Species Council (Department) disseminate a wide variety of information to the public regarding the nation's Federal lands, national parks and wildlife refuges, natural resources, geography, hydrology, and wildlife and fisheries. Information may pertain to organization, management, program services, products, research, statistics, policy regulations, and general reference information. The Department has evaluated and identified the types of information it disseminates subject to these guidelines.

#### **II. Information Quality Standards.**

All information disseminated by the Department must comply with basic standards of quality to ensure and maximize its objectivity, utility, and integrity. The Department will ensure that information disseminated will be developed from reliable methods and data sources and will otherwise ensure information quality at each stage of information development. The Department's methods for producing quality information will be made transparent, to the maximum extent practicable, through accurate documentation, use of appropriate internal and external review procedures, consultation with experts and users, and verification of its quality. The Department will also inform users about corrections and revisions. Information released by the Department will be developed only from reliable data sources based on accepted practices and policies, utilizing accepted methods for information collection and verification. It will be reproducible to the extent possible. Influential information will be produced with a high degree of transparency about data and methods.

Analytic results shall generally require sufficient transparency about data and methodology that an independent reanalysis could be undertaken by a qualified member of the public resulting in substantially the same results.

1. The Department will keep the public informed by publishing timely information about information quality on designated web pages. Specifically, the Department will establish an information quality site on its website. The purpose of the information quality site is to inform the public about the Department's information quality practices and procedures. The information quality site will include, at a minimum, access to the Department's information quality guidelines and a reader-friendly explanation of the Department's procedures regarding requests for correction, including an explanation of how a person may file a request and subsequently, if necessary, an administrative appeal of the response to the request for correction. The information quality site may contain other types of information, such as a description of significant corrections that the Department has made as a result of the correction procedures. The Department will determine the content of this information page based on its mission, activities subject to the guidelines, and the expected level of interest by the public.

2. Making data and methodology 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 established by law.

3. In situations where the public will not be provided full access to the data or methodology, the Department shall apply and document especially rigorous robustness checks. In all cases, Departmental guidelines require a disclosure of the specific data sources used and the specific quantitative methods and assumptions employed.

4. The Department develops some of the information it disseminates through scientific activities conducted by personnel in consultation with and under contract to the Department. In instances in which Department personnel have developed the disseminated information, that information will be developed under strict scientific standards that ensure its quality and integrity. The Department shall also apply its information quality standards to non-Departmental parties who are developing scientific and technical information on its behalf.

With respect to influential scientific information disseminated by the Department, regarding analysis of risks to human health, safety, and the environment, the Department will ensure to the extent practicable, the objectivity of this information by adapting the quality principles found in the Safe Drinking Water Act Amendments of 1996. The Department will:

(a) Use the best available science and supporting studies conducted in accordance with sound and objective scientific practices, including peer-reviewed studies where available.

(b) Use data collected by standard and accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies the use of the data).

(c) In the dissemination of influential scientific information about risks, ensure that the presentation of information is as comprehensive as possible, informative, and understandable. In a document made available to the public, specify, to the extent practicable:

- (i) Each population addressed by any estimate of applicable effects
- (ii) The expected risk or central estimate of risk for the specific populations affected
- (iii) Each appropriate upper bound or lower-bound estimate of risk
- (iv) Each significant uncertainty identified in the process of the risk assessment and studies that would assist in reducing the uncertainty
- (v) Any additional studies, including peer-reviewed studies, known to the Department that support, are directly relevant to, or fail to support the findings of the assessment and the methodology used to reconcile inconsistencies in the scientific data.

5. In the case of rulemakings and other public comment procedures, where the agency disseminates a study, analysis, or other information prior to the final Departmental action or information dissemination, requests for correction will be considered prior to the final agency action or information dissemination in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the complainant has shown a reasonable likelihood of suffering actual harm from the agency's dissemination if the agency does not resolve the complaint prior to the final agency action or information product.

Before disseminating information to members of the public, the originating office within the Department must ensure that the information is consistent with the OMB, Departmental, and bureau or office guidelines and must determine that the information is of adequate quality for dissemination and maintain an administrative record of review procedures. If the information is influential, the Department will provide for more rigorous review of the conclusions than the review performed by the originating office. Each Department component must identify for the Department's Assistant Secretary - Policy, Management and Budget a designated official who is accountable for information quality.

The information quality definitions published by OMB as set forth in Section IV below are adopted by the Department as its performance standard for Information Quality.

### **III. Information Quality Challenge and Review Procedures.**

Due to mission-related information differences, the Department's bureaus, offices, and the National Invasive Species Council may vary in implementation approaches to information quality challenges and review procedures. However, the Department hereby adopts and includes in Departmental policy the basic guidance published by OMB in the Federal Register 67 FR 8452, February 22.

The OMB guidelines require that, after October 1, 2002, affected persons may seek and obtain, where appropriate, correction of disseminated information that does not comply with the OMB, Departmental, or bureau guidelines. As a responsible agency, the Department must provide procedures to review and correct disseminated information. Each bureau or office of the Department which disseminates information has established a system for receiving, tracking and responding to complaints in accordance with this direction. As a part of this process, web sites have been provided as a means for affected persons to challenge the quality of disseminated information. Bureaus and offices have also provided postal addresses of appropriate officials to contact through the mail to challenge the quality of disseminated information.

A challenge to the quality of disseminated information must contain the following information:

1. Specific reference to the information being challenged
2. A statement specifying why the complainant believes the information fails to satisfy the standards in the Departmental or OMB guidelines
3. How a complainant is affected by the challenged information. The complainant may include suggestions for correcting the challenged information, but that is not mandatory.
4. The name and address of response of the person filing the complaint. This information is used at the complainant's request for the purpose of responding to the challenge initiated by the individual.

Upon receiving a complaint, the Department will have 10 business days in which to notify the complainant of receipt. The Department shall also notify its component which disseminated the challenged information of the receipt of the complaint. The Department will have 60 calendar days from receipt to evaluate whether the complaint is substantiated by analysis of all information available to the appropriate program or office. After 60 calendar days, if the Department determines that the complaint is without merit, the complainant will be so notified. After 60 calendar days, the Department determines that the complaint has merit, it shall so notify the complainant, the appropriate program or office, and it shall take reasonable steps to withdraw the information from the public domain and from any decision making process in which it is being used. If the Department determines that it will correct challenged information, it will notify the complainant of its intent and the corrective steps it proposes. The Department may determine the schedule and procedure for correcting challenged information, but may not disseminate the challenged information in any form until it has been corrected. Upon redisseminating corrected information, the Department will provide the complainant with a copy of the corrected information.

If a complainant does not receive the notices within the time frame described above, or wishes to appeal a determination of merit, or wishes to appeal the proposed correction of information, the complainant may appeal to the Assistant Secretary - Policy, Management and Budget (PMB), or other designated official. PMB may intervene on behalf of the complainant to maintain the complaint-resolution process. If PMB determines that an appeal of a determination of merit or the proposed correction of information has merit, the affected bureau or office will be notified.

The challenged information will be withdrawn, to the extent practicable, from the public domain and will not be used in any Departmental, bureau, or office decision making process until it is corrected.

If a second identical complaint or very similar complaint is received before the end of the 60 calendar day period complaint-resolution process, the second complaint will be resolved on the same schedule as the first complaint. Within 10 business days, the complainant will be notified of receipt of the complaint, the fact that an identical complaint has also been received, and the status of the complaint-resolution process on the first complaint. If an identical complaint is received after the close of the 60 calendar day complaint resolution process, within 10 business days the Department will notify the complainant of receipt of the complaint, the fact that an identical complaint has been received and resolved, and a copy of the corrected information.

With regard to challenges of information received by the Inspector General (OIG), The Inspector General Act of 1978 (IG Act), as amended will apply. The OIG will be under the general supervision of the Departmental guidelines, but shall not report to or be subject to supervision by the Department. The Assistant Inspector for the OIG component (Audits, Investigations or Program Integrity) will be responsible for reviewing information to be disseminated to the public. The OIG CIO will receive, by mail or through the OIG web site, the original complaint/challenge of information, and will forward it to the Executive Assistant for the Inspector General to log in the correspondence. The complaint will be forwarded to the originating component responsible for the questioned information. The Assistant Inspector General for the respective component will be responsible for notifying the complainant of receipt of the original complaint within 10 business days, evaluating and responding to the complaint within 60 calendar days from receipt and for reporting to the Assistant Inspector General for Management and Policy a determination on how the original complaint will be addressed. The Assistant Inspector General for Management and Policy will make determinations on appeals and compile the data for the annual reporting requirement. An informational copy of any responses to appeals will be provided to the CIO and AS/PMB.

The Department conducts a substantial amount of business through processes which involve a structured opportunity for public review and comment on proposed documents prior to their issuance in final form. These activities include but are not limited to, rulemakings and analyses conducted under the National Environmental Policy Act (NEPA) . In these instances, requests made under these Information Quality Guidelines for corrections of information in draft documents will be treated as a comment on the draft document and the response will be included in the final document. In the cases where a request pertains to a final document under the timetable for the foundation document (unless it would be more timely and efficient to conduct a separate review and conclusion), the Department's disseminating bureau or office and the NISC will first determine whether the request pertains to an issue discussed in the draft document upon which the requester could have commented. If the bureau or office determines that the requester had the opportunity to comment on the issue at the draft stage and failed to do so, it may consider the request to have no merit. If information which did not appear in the draft document is the

subject of a request for correction, the bureau will consider that request. If the bureau determines that the information does not comply with the guidelines issued by the Department, bureau, office, or OMB, such that the non-compliance with the guidelines presents significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, the bureau will use existing mechanisms to remedy the situation, such as reproposing a rule or supplementing a NEPA analysis.

The Department's bureaus, offices, and the NISC shall submit a report for each fiscal year not later than November 30 to the Office of the Chief Information Officer (OCIO). OCIO staff will consolidate Departmental, bureau, office, and NISC input and submit it in the Department's annual report to the Director, Office of Management and Budget, no later than January 1 annually.

#### IV. Exemptions - Information Specifically Not Subject to these Information Quality Guidelines

1. **Press Releases** - These Information Quality Guidelines do not apply to press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement, or give public notice of information DOI has disseminated elsewhere.
2. **Public Filings** - Information in public filings to the Department (such as public comments received by the Department in rulemaking proceedings), except where the Department distributes information submitted by a third party in a manner that suggests that the Department endorses or adopts the information, or indicates in its distribution that it is using or proposing to use the information to formulate or support a regulation, guidance, or other Departmental decision or position.
3. **Exclusion for Agency Employed Scientist, Grantee, or Contractor** - Dissemination of information by an agency-employed scientist, grantee, or contractor is not subject to the guidelines, in those situations in which they publish and communicate their research findings in the same manner as their academic colleagues, therefore not implying official Departmental endorsement of their views or findings.
4. **Testimony and Other Submissions to Congress**. Information presented or submitted to Congress which is simultaneously disseminated or previously disseminated to the public is exempt from these Information Quality Guidelines.
5. **Inadvertent or Unauthorized Disclosure of Information intended Only for Inter-agency and Intra-agency Use or Communication**. Documents in working form which are generated in day-to-day internal conduct of government business are exempt from these Information Quality Guidelines.
6. **Correspondence with Individuals**. An exchange of information between two individuals is not considered to be a dissemination.

7. **Records Covered by Other Laws.** Responses to requests for Departmental records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or similar laws are not included in these Information Quality Guidelines.

8. **Archived Records and Information Disseminated Prior to October 1, 2002.** Archived records of information disseminated and subsequently archived are exempt from the Guidelines. **Note:** Information disseminated prior to October 1, 2002, but **not archived** and which is still being used in a decision making process is **not** exempt from these Information Quality Guidelines.

9. **Adjudicative Proceedings.** Information contained in subpoenas or documents intended to be limited to adjudicative proceedings, including DOI adjudicatory orders, opinions, amicus and other briefs are exempt from these guidelines.

**Effective Date:** As provided in OMB's guidelines, these Guidelines apply only to information disseminated on or after October 1, 2002, regardless of when the information was first disseminated, with the exception described in Section IV (8).

## **V. Third Party Information Under the Information Quality Guidelines.**

If the Department relies upon technical, scientific, or economic information submitted or developed by a third party, that information is subject to the appropriate standards of objectivity and utility. The standards of these Information Quality Guidelines apply not only to information that the Department generates, but also to information which can be verified that other parties provide to the Department, if the Department disseminates or relies upon this information. In instances where the information is relied upon but is not verifiable, the source must be made transparent to the public, and such original information will not be subject to these Information Quality Guidelines.

Departmental personnel who conduct scientific activities shall be held accountable for the integrity of the information they collect and analyze, and the conclusions they present.

## **VI. Paperwork Reduction Act.**

Departmental components will make use of OMB's Paperwork Reduction Act (PRA) clearance process to help improve the quality of information that DOI collects and disseminates to the public. All proposed collections of information that are disseminated to the public should demonstrate in their PRA clearance submissions to OMB that the proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with Departmental and OMB Information Quality Guidelines.

## VII. Definitions.

Definitions published by OMB are incorporated into Departmental policy, and are considered to be the performance standard for Information Quality.

1. **Quality** is an encompassing term comprising utility, objectivity, and integrity. Therefore, the Information Quality Guidelines sometimes refer to these four statutory terms collectively as **quality**.

2. **Utility** refers to the usefulness of the information to its intended users, including the public. In assessing the usefulness of information that the Department disseminates to the public, the agency needs to reconsider the uses the information not only from perspective of the Department but also from the perspective of the public. As a result, when transparency of information is relevant for assessing the information's usefulness from the public's perspective, the Department must take care to ensure that transparency has been addressed in its review of the information.

3. **Objectivity** involves two distinct elements: presentations 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 Department, its bureaus, and the NISC need to identify the sources of the disseminated information (to the extent possible, consistent with confidentiality protections) and, in a specific, 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, 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.

(i) 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 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](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 the Department prior technical/policy positions they may have taken on the

issues at hand, (c) peer reviewers be expected to disclose to the Department their sources of personal and institutional funding (private or public sector) and (d) peer reviews be conducted in an open and vigorous manner.”

(ii) If the Department is responsible for disseminating influential scientific, financial, or statistical information, Departmental guidelines shall include a high degree of *transparency* about data and methods to facilitate the *reproducibility* of such information by qualified third parties.

Original and supporting data must be subject to commonly accepted, scientific, financial, or statistical standards related thereto. However, Departmental Information Quality Guidelines shall not require that all disseminated data be subjected to a *reproducibility* requirement. The Department may identify, in consultation with the relevant scientific and technical communities, those particular types of data that can practically 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 of sample) shall not be required prior to each dissemination.

With regard to analytical results related thereto, Department Information Quality Guidelines shall generally require sufficient transparency about data and methods that an independent reanalysis could be undertaken by a qualified member of the public. These transparency standards apply to Departmental analysis of data from a single study as well as to analyses that combine information from multiple studies.

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.

In situations where public access to methods and data cannot occur due to other compelling interests the Department, its bureaus and offices, and the NISC shall apply especially rigorous robustness checks to analytical results. The nature of these checks shall be documented. The Department shall require in all cases the disclosure of the nature of the specific data bases used and the specific quantitative methods and assumptions that have been employed. Each bureau and office of the Department and the NISC may define the nature of its checks for robustness and the level of detail for their documentation, in ways appropriate for it given the nature and multiplicity of issues for which the bureau or office is responsible.

With regard to analysis of risks to human health, safety and the environment maintained or disseminated by the Department, the bureaus shall, as provided in Section II(4), 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)). Bureaus 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 DOI or its components to medical providers patients, health agencies, and the public. Information quality standards may be waived temporarily by bureaus or components under urgent situations (e.g., imminent threats to public health or homeland security) in accordance with the latitude specified in bureau-specific guidelines.

**4. Integrity** refers to the protection of the information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.

**5. 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 the Department disseminates from a web page, but does not include the provision of hyperlinks to information that others disseminate. This definition does not include opinions where Departmental presentation makes it clear that what is being offered is someone's opinion rather than fact or the Department's views.

**6. Government information** means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

**7. Information dissemination product** means any book, paper, map, machine-readable material, audiovisual production, CD-ROM, electronic document, web page, or other documentary material, regardless of physical form or characteristic, the Department disseminates to the public.

**8. Dissemination** means Department-initiated or sponsored distribution of information to the public (see 5 CFR 1320.3(d) (definition of "Conduct or Sponsor"). Dissemination does not include distribution limited to: government employees or Department contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law. This definition also does not include distribution limited to: correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

**9. Influential**, when used in the phrase "influential scientific, financial, or statistical information" means that the Department 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. The Department, including all offices and bureaus and the NISC, is authorized to define "influential" in ways appropriate for it, given the nature and multiplicity of issues for which the bureau or component is responsible.

**10. Reproducible** 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 bureaus or components 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 demonstrate whether similar analytic results, subject to an acceptable degree of imprecision or error, could be generated.

#### **V. Legal Effect.**

These guidelines are intended only to improve the internal management of the Department, relating to information quality. Nothing in these Information Quality Guidelines is intended to create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its offices, or any other person.

