

**Office of the United States Trade Representative
Draft Information Quality Guidelines**

April 29, 2002

Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554) directs each agency subject to the Paperwork Reduction Act (44 USC Chapter 35) to issue a set of guidelines for information quality. These guidelines must conform to the general guidelines issued by the Office of Management and Budget (OMB) on October 1, 2001. The OMB guidelines require that agencies ensure and maximize the quality, utility, objectivity, and integrity of information that each agency disseminates. Further, Section 515 requires that each agency develop and publish along with the guidelines, information describing the administrative process by which affected persons may seek and obtain corrections to any information disseminated by the agency that is not in compliance with the agency's guidelines.

Policy

The Office of the United States Trade Representative (USTR) will act to ensure the integrity, objectivity and utility of any and all information disseminated by USTR to the public.

Guidelines

USTR will review all information products for quality before disseminating those products. The following guidelines apply to information products in all media and formats, including print, electronic, audiovisual or any other form that is specifically prepared for public dissemination. While these guidelines do apply to information products posted on USTR's Internet web site (www.ustr.gov), the guidelines do not apply to links found on that web site that lead to other web sites or that lead to information disseminated by other organizations.

Procedures for Ensuring the Quality (Objectivity and Utility) of Information

- USTR is committed to making reliable and useful information available to the public. Before disseminating any information product, USTR staff and officials will follow an extensive review process. It is the responsibility of each USTR office, drafting information intended for dissemination, to pursue the most knowledgeable and reliable sources reasonably available to confirm the objectivity and utility of such information.
- Much of the information USTR uses is provided by other Federal Government agencies. USTR expects that those agencies will follow adequate quality control

measures. In preparing any material that might ultimately be for dissemination, the lead USTR drafting office will take all appropriate steps to review and verify any data provided by other agencies.

- USTR will continue to employ a long standing interagency clearance process which is coordinated by the lead USTR drafting office. The lead drafting office will consult with all offices within USTR having substantial interest or expertise in the material being proposed for dissemination. As appropriate, all other involved organizations will be included in the review and clearance process.
- When the lead drafting office determines that information being considered for dissemination is influential scientific, financial, or statistical information, extra care should be taken to include a high degree of transparency about the data and any methods used to be able to meet the OMB guidance requirement for the reproducibility of such information. In determining the appropriate level of transparency, the lead office should consider the types of data that can practicably be subjected to a reproducibility requirement given ethical, feasibility, and confidentiality constraints. In making this determination, the lead office should hold analytical results to an even higher standard than original data.
- Hard-copy public dissemination of information and all information published on USTR's website shall occur only after clearances are obtained from all appropriate Offices and, when appropriate, the U.S. Trade Representative.
- These guidelines focus on procedures for the "dissemination" of "information," as those terms are defined below. Accordingly, procedures specifically applicable to forms of communication outside the scope of these guidelines, such as those for correspondence or press releases, among others, are not included.

Integrity of Information

- "Integrity" refers to the security of information; protection of the information from unauthorized, unanticipated, or unintentional modification; to prevent information from being compromised through corruption or falsification.
- Within USTR, the Office of Administration has responsibility for information security. Both the USTR Office of Computer Operations and the Office of Security and Administrative Services work to ensure information security. These offices implement and maintain new computer software and hardware systems and provide operational support for systems and system users.

- USTR adheres to both law and internal Information Technology (IT) security policies, along with EOP security policies and operational processes for the protection of USTR's data and information. USTR's systems are reviewed annually in accordance with existing law and policy and corrective action plans are developed to address all security weaknesses.

Administrative Process for Corrective Action

In accordance with Section 515, USTR has prepared the following procedure to provide affected persons a means to seek and obtain correction of information that USTR has disseminated. This procedure requires that certain information about the challenged information and about the affected persons be supplied to USTR in writing. USTR has the responsibility to review all duly filed challenges, to determine whether the challenge is covered and whether an adjustment to the challenged information is warranted. Challenges determined to be valid will receive a reply that will include an explanation of any remedy or adjustment to be applied and a time frame for the application of the remedy or adjustment. Any covered challenge that is denied upon first review will be eligible for an administrative appeal.

Filing a Challenge

- Persons filing challenges under these guidelines must provide, in writing, the following information: name and contact information of the person filing the challenge (mailing address, fax and telephone numbers, any applicable e-mail addresses, organization represented); a clear and complete description of the information being challenged, including specifics about any perceived errors or inaccuracies; provide the title of any cited report or information dissemination product, publication dates if available, document URLs if the item is posted on a website; state specifically why the information is being challenged; persons must also explain how they are affected by the information.
- Challenge requests are to be sent to the USTR Freedom of Information Officer, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508 and must clearly indicate that the request is a "Request for Corrective Action" that is being filed in accordance with "Section 515, Information Quality Guidelines". Requests will be forwarded to the appropriate office within USTR responsible for the disputed information product.

Initial Agency Review

- Any request that does not provide all appropriate information, as indicated above, will be determined to be not covered by this process. If USTR determines that a request is not covered, the person submitting the request will be notified of that determination

within 60 days of the date of receipt of the request. Any request deemed by USTR to be frivolous will not receive a notification.

- For covered requests, the USTR office reviewing the request will give the request due consideration, including a review of the disseminated information at issue and other materials, as appropriate. Where the reviewing office determines that the information publicly disseminated by USTR warrants correction, it will consider appropriate corrective measures recognizing the potential implications for USTR and the United States.
- If USTR determines that a request is covered by these guidelines, but that corrective action is unnecessary or is otherwise inappropriate, USTR will strive to notify the requestor of its determination within 60 days.
- If USTR determines that a request is covered by these guidelines and that corrective action is appropriate, it will notify the requestor of its determination and what action has been or will be taken. Subject to applicable law, rules and regulations, corrective measures may be taken through a number of forms, including (but not limited to): personal contacts via letter or telephone, form letters, press releases or postings on the USTR website to correct a widely disseminated error or address a frequently raised request. Corrective measures, where appropriate, should be designed to provide reasonable notice to affected persons of such correction.

Administrative Appeal Review

- An affected person who has filed a covered request for correction of public information who received notice of USTR's determination and who believes that appropriate corrective action has not been taken can file an appeal. Requests determined by USTR to be not covered by the guidelines and requests determined to be frivolous will not be reconsidered under these provisions. These procedures apply to information disseminated by USTR on or after October 1, 2002.
- To request an appeal review, persons must again provide contact information in writing and must clearly indicate that the communication is a "Request for Appeal Review" that it is being filed in accordance with "Section 515, Information Quality Guidelines". Include a copy of the original request for correction previously submitted to USTR and USTR's first review response. The appeal submission should be sent to the USTR Freedom of Information Officer, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508. Requests for Appeal Review must be submitted within thirty (30) days of the date of USTR's notification to the requestor of the disposition of the underlying request for correction.

- USTR will consider the request for Appeal Review and will make a determination regarding the request. In most cases, the requestor will be notified of the determination and, if appropriate, the corrective action to be taken, within 60 days. USTR will give reasonable notice to affected persons of any corrections made.
- If USTR determines that the First Review was correct and no further action is to be taken, a notice indicating that determination will be sent to the requestor and the Appeals Review will be closed.

Definitions

“Affected” persons are those who may benefit or be harmed by the disseminated information.

“Dissemination” means agency 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 agency 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.

“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.

“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 an agency 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 the agency’s presentation make it clear that what is being offered is someone’s opinion rather than fact or the agency’s views.

“Integrity” refers to the security of information—protection of the information from unauthorized access or revision, to prevent the information from being compromised through corruption or falsification.

“Objectivity” addresses whether disseminated information is being presented in an accurate, clear, complete, and unbiased manner, including background information where warranted by the circumstances.

“Person” means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a regional, national, State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision, or an international organization;

“Quality” is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer these four statutory terms, collectively, as “quality”.

“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.

“Utility” refers to the usefulness of the information to its intended users, including the public. In assessing the usefulness of information that the agency disseminates to the public, the agency needs to consider the uses of the information not only from the perspective of the agency 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 agency must take care to ensure that transparency has been addressed in its review of the information.