

INFORMATION QUALITY ACT OVERVIEW

I. Introduction

Section 515 of the Treasury and General Government Appropriations Act for FY 2001¹ (the Data Quality Act, Information Quality Act or IQA) directed the White House Office of Budget and Management (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.”

OMB complied by issuing guidelines that: ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by federal agencies; direct each federal agency to issue its own information quality guidelines; and require each agency to establish procedures that allow people to seek correction of information disseminated by the agency on or after October 1, 2002, that is subject to the IQA and which does not comply with the agency or OMB information quality (IQ) guidelines. The OMB guidelines can be found at <http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

NOAA developed guidelines that went into effect on October 1, 2002. The NOAA IQ Guidelines can be found at: http://www.cio.noaa.gov/Policy_Programs/info_quality.html. A link to the NOAA Guidelines can also be found on the NOAA home page under “Information Quality.”

II. Requirements of the Information Quality Act

The IQA requires that federal agencies:

- Issue information quality guidelines that ensure and maximize the quality, objectivity, utility and integrity of information disseminated by the agency.
- Conduct pre-dissemination review of information products to ensure that information products comply with agency and OMB information quality standards.
- Establish administrative mechanisms that allow affected persons to seek and obtain correction of information that does not comply with agency-specific (e.g., NOAA) or OMB information quality guidelines.
- Submit annual reports to OMB regarding the number and disposition of Information Quality Act requests for correction of information.

III. The NOAA Information Quality Guidelines

The scope and applicability of the IQA are very broad because the IQA applies to all information disseminated by federal agencies, with some limited exceptions. “Information” and “dissemination” are both broadly defined under the OMB and NOAA IQ Guidelines.

Information

The NOAA (and OMB) IQ Guidelines define “Information” as, “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

¹ Public Law 106-554

information that the agency disseminates from a web page, but does not include hyperlinks to information that others disseminate.

Dissemination

The NOAA (and OMB) IQ Guidelines define “Dissemination” as, “agency initiated or sponsored distribution of information to the public.” Agency initiated information refers to information that the agency distributes or releases which reflects, represents or forms any part of the support of the policies of the agency. In addition, if the agency, as an institution, distributes or releases information prepared by an outside party in a manner that reasonably suggests that the agency agrees with the information, this would be considered a agency initiated distribution and hence agency dissemination because of the appearance of having the information represent agency views. Agency sponsored distribution of information refers to situations where the agency has directed a third party to distribute or release information or where the agency has the authority to review and approve the information before release.

Information Quality

Information quality, as defined by OMB,² is an encompassing term consisting of utility, integrity and objectivity. The NOAA IQ Guidelines define utility, integrity and objectivity as follows:

- A. 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, NOAA considers the uses of the information not only from its own perspective, 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, NOAA takes care to ensure that transparency has been addressed in its review of the information.
- B. Integrity refers to security – the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Confidentiality of data must also be protected.
- C. Objectivity consists of two distinct elements: presentation and substance. The presentation element includes whether disseminated information is presented in an accurate, clear, complete, and unbiased manner and in a proper context. The substance element involves a focus on ensuring accurate, reliable, and unbiased information. In a scientific, financial, or statistical context, the original and supporting data must be generated, and the analytic results must be developed, using sound statistical and research methods.

See the NOAA IQ Guidelines, Part II, for NOAA’s standards for utility, integrity and objectivity.

Information disseminated by NOAA is deemed compliant with the NOAA IQ Guidelines when a pre-dissemination review is completed and NOAA determines that the information meets the applicable information quality standards. NOAA has developed a pre-dissemination review form for this process.

² See, 67 FR 8452 at 8459.

IV. Administrative Correction Mechanism

Part III of the NOAA IQ Guidelines sets forth an administrative correction mechanism as required by the IQA. The administrative correction mechanism consists of two parts, a request for correction process and an appeal process. Any affected person, defined as "an individual or entity that uses, benefits from, or is harmed by the disseminated information at issue," may file a request for correction (RFC) of that information. The agency will provide a response the RFC, usually within 60 days of receipt. The requester may file an appeal of the agency's initial denial of a request for correction.

The U.S. Fourth Circuit Court of Appeals has held that the IQA does not create a legal right of access to information or a legal right to correctness of information disseminated by a federal agency. See, Salt Institute and the U.S. Chamber of Commerce v. HHS, 440 F.3d 156, (March 6, 2006). Therefore, petitioners do not have a right to file suit in federal court under the IQA following a final agency decision on an IQA request for correction. Although the IQA does not provide a private right of action, it is intended to be binding on federal agencies.

A recent example of a Request for Correction and NOAA Response is:

- [Assessment of Potential Tsunami Impact for Pearl Harbor, Hawaii from Public Employees for Environmental Responsibility \(PEER\)](http://ocio.os.doc.gov/ITPolicyandPrograms/Information_Quality/PROD01_008731)
http://ocio.os.doc.gov/ITPolicyandPrograms/Information_Quality/PROD01_008731

V. The OMB Peer Review Bulletin

OMB issued the Final Information Quality Bulletin for Peer Review (PRB) in December 2004, pursuant to the IQA and OMB's general authorities. It went into effect on June 16, 2005, and establishes minimum peer review standards, a transparent process for public disclosure, and opportunity for public input. The PRB can be found at:

http://www.cio.noaa.gov/Policy_Programs/OMB_Peer_Review_Bulletin_m05-03.pdf

The PRB is triggered when federal agencies disseminate "influential scientific information."

Influential Scientific Information

"Influential scientific information" (ISI) means scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions. As noted in the NOAA IQ Guidelines, a clear and substantial impact is one that has a high probability of occurring. If it is merely arguable or a judgment call, then it would probably not be clear and substantial. Peer review requirements for ISI are set out in Section II of the PRB.

Highly Influential Scientific Assessments

Highly influential scientific assessments are a subset of influential scientific information. A highly influential scientific assessment (HISA) is a scientific assessment that: (i) has a potential impact of more than \$500 million in any one year on either the public or private sector (the economic test); or (ii) is novel controversial, or precedent-setting, or of significant interagency interest (the narrative test). Peer review requirements for HISAs are set out in Section III of the PRB.

Peer Review Agenda

Section V of the PRB requires agencies to post an agenda of peer review plans for information subject to the PRB and update the agenda at least every six months. Peer review plans must address ten elements, such as the title, subject and purpose of the information product; whether the information is ISI or HISA; timing and method of review (panel or letters); whether the public will be provided an opportunity to comment on the work to be peer reviewed; and a description of the primary disciplines or expertise needed in the review. See PRB Section V.2 for a complete list of required elements of a peer review plan.

The NOAA Peer Review Agenda is posted at:

http://www.cio.noaa.gov/Policy_Programs/prplans/PRsummaries.html

Recent examples of NOAA peer review plans include:

- United States Climate Change Science Program Unified Synthesis Product, published 6-16-00 (highly influential scientific assessment, OAR)
http://www.cio.noaa.gov/Policy_Programs/prplans/ID128.html
- Condition Report for Channel Islands National Marine Sanctuary, published 9-9-2009 (influential scientific information, NOS)
http://www.cio.noaa.gov/Policy_Programs/prplans/ID89.html
- Critical Habitat Designation for the U.S. Distinct Population Segment (DPS) of Smalltooth Sawfish under the Endangered Species Act, published 12-1-08 (influential scientific information, NMFS)
http://www.cio.noaa.gov/Policy_Programs/prplans/ID101.html

VI. NOAA IQA Points of Contact

The primary POC of contact for IQA compliance is the NOAA Chief Information Officer (POC: Joe Klimavicz). Each NOAA Line Office has a designated point of contact for the IQA compliance, as follows:

NOAA General Counsel: Branden Blum

National Weather Service: Asghar Noor

National Marine Fisheries Service: Karl Moline

National Environmental Satellite and Data Information Service: Zach Goldstein

National Ocean Service: Kim Jenkins

Office of Oceanic and Atmospheric Research: Mark Vincent

Office of Marine and Aircraft Operations: Doug Perry

