



DEPARTMENT OF COMMERCE
Bureau of Industry and Security

Information Quality Guidelines

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PART I

Background, Mission, Definitions, and Scope

BACKGROUND

These guidelines implement Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Pub. L. No. 106-554, § 515) (the “Data Quality Act” or the “Act”). Guidelines for the implementation of the Data Quality Act by each agency subject to the Act were issued by the Office of Management and Budget (OMB) on January 3, 2002 (*67 Fed. Reg.* 369-378), as corrected and reprinted on February 22, 2002 (*67 Fed. Reg.* 8452-8460). In response to the legislation and OMB guidelines, the Department of Commerce (DOC) published draft guidelines to implement the legislation and OMB guidelines on May 3, 2002 (*67 Fed. Reg.* 22,398-22,403), requiring each operating unit within the DOC to document and make available to the public information quality standards that meet the requirements of quality, objectivity, utility, and integrity as set forth in the OMB guidelines and DOC guidelines (available at <http://www.commerce.gov>).

The purpose of the guidelines is to ensure and maximize the quality, objectivity, utility and integrity of information disseminated by Federal agencies, and to set forth an administrative mechanism whereby affected persons can seek and obtain correction of information maintained and disseminated by the Bureau of Industry and Security (BIS) that does not comply with these standards. Covered information disseminated by BIS will comply with all applicable OMB, DOC, and (these) BIS Information Quality Guidelines.

In implementing these guidelines, BIS acknowledges that ensuring the quality of information is an important management objective that takes its place alongside other BIS objectives, such as ensuring the success of BIS missions, observing budget and resource priorities and restraints, and providing useful programs and information to the public. BIS intends to implement these guidelines in a way that will achieve all these objectives in a harmonious way.

BIS Guidelines

BIS Information Quality Guidelines are available at <http://www.bis.doc.gov>. This document implements Section 515 and fulfills the OMB and DOC information quality guidelines. It may be revised periodically, based on experience, evolving requirements in BIS, and concerns expressed by the public. Covered information disseminated by BIS will comply with all applicable OMB, DOC, and (these) BIS Information Quality Guidelines.

MISSION

The mission of BIS is to advance U.S. national security, foreign policy, and economic interests. BIS's activities include regulating the export of sensitive goods and technologies in an effective and efficient manner; enforcing export control, antiboycott, and public safety laws; cooperating with and assisting other countries on export control and strategic trade issues; assisting U.S. industry to comply with international arms control agreements; monitoring the viability of the U.S. defense industrial base; and promoting federal initiatives and public-private partnerships across industry sectors to protect the nation's critical infrastructures.

DEFINITIONS

The definitions in this section apply throughout these Guidelines.

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

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, BIS 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 perspective of the public, BIS takes care to ensure that transparency has been addressed in its review of the information.

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 shall be generated, and the analytic results shall be developed, using sound statistical and research methods.

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.

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 makes it clear that what is being offered is someone's opinion rather than fact or the agency's views.

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

Information dissemination product means any books, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, an agency disseminates to the public. This definition includes any electronic document, CD-ROM, or Web page.

Dissemination means agency initiated or sponsored distribution of information to the public. 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.

Agency initiated distribution of information to the public 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 Agency initiated distribution and hence Agency dissemination because of the appearance of having the information represent Agency views. By contrast, the Agency does not "initiate" the dissemination of information when an Agency scientist or grantee or contractor publishes and communicates his or her research findings in the same manner as his or her colleagues, even if the Agency retains ownership or other intellectual property rights because the Federal government paid for the research.

Agency sponsored distribution of information to the public 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. By contrast, if the Agency simply provides funding to support research, and if the researcher (not the Agency) decides whether to distribute the results and – if the results are to be released – determines the content and presentation of the distribution, then the Agency has not "sponsored" the dissemination even though it has funded the research and even if the Agency retains ownership or other intellectual property rights because the Federal government paid for the research. Note that subsequent Agency dissemination of such information would require that the

information adhere to the Agency's information quality guidelines even if it was initially covered by a disclaimer.

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 policy and private sector decisions.

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). 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.

Transparency is not defined in the OMB Guidelines, but the Supplementary Information to the OMB Guidelines indicates (p. 8456) that "transparency" is at the heart of the reproducibility standard. The Guidelines state that "The purpose of the reproducibility standard is to cultivate a consistent agency commitment to transparency about how analytic results are generated: the specific data used, the various assumptions employed, the specific analytic methods applied, and the statistical procedures employed. If sufficient transparency is achieved on each of these matters, then an analytic result should meet the reproducibility standard." In others words, transparency – and ultimately reproducibility – is a matter of showing how you got the results you got.

SCOPE

BIS is committed to developing and implementing quality guidelines for the information products disseminated by the agency. These guidelines will apply to all information disseminated by BIS on or after October 1, 2002, regardless of when the information was first disseminated, except that the pre-dissemination review procedures (described in detail below) shall apply only to information first disseminated on or after October 1, 2002.

Information Disseminated by BIS and Covered Under These Guidelines

In developing the objectivity standard, BIS divides information that it disseminates into four broad categories and has created a different objectivity standard for each category. The categories of BIS information include:

Administrative: includes all non-scientific, non-financial, non-statistical information. Examples include the BIS Web site and individual Web pages, program and organizational descriptions, brochures, pamphlets, newsletters, and other general descriptions of BIS operations and capabilities.

Surveys and Industry Assessments: includes studies issued by BIS pursuant to the Defense Production Act of 1950, as amended, and reports of investigations made pursuant to section 232 of the Trade Expansion Act of 1962, as amended.

Training and Seminars: includes information that is disseminated verbally and in written form by BIS personnel at educational workshops and seminars sponsored by BIS. Examples of BIS sponsored seminars are export control seminars and Chemical Weapons Convention (CWC) seminars.

Regulations and Rules: includes all rules and regulations that are issued by BIS. Those regulations include the Export Administration Regulations (EAR), the Chemical Weapons Convention Regulations, and the National Security Industrial Base Regulations. BIS issued regulations are located in parts 700-774 of title 15 of the Code of Federal Regulations.

Information quality is an integral part of the pre-dissemination review of information disseminated by BIS. Information quality is also integral to information collections conducted by BIS, and is incorporated into the clearance process required by the Paperwork Reduction Act (PRA) to help improve the quality of information that BIS collects and disseminates to the public. BIS offices already are required to demonstrate in their PRA submissions to OMB the "practical utility" of a proposed collection of information that they plan to disseminate. Additionally, for all proposed collections of information that will be disseminated to the public, BIS offices 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 applicable information quality guidelines.

Third-party Information

Third-party information from both domestic and international sources, such as states, municipalities, other Federal agencies and private entities may be included in information that BIS disseminates. Although third-party sources may not be directly subject to Section 515, information from such sources, when disseminated by BIS in a manner that reasonably suggests that BIS agrees with the information, this appearance of having the information represent BIS's views, makes BIS's dissemination of the information subject to and consistent with BIS's information quality guidelines. When such information is disseminated, any limitations, assumptions, collection methods, or uncertainties concerning such information will be taken into account and disclosed.

Information Not Covered by These Guidelines

- Information with distribution intended to be limited to government employees or agency contractors or grantees.
- Information with distribution intended to be limited to intra- or inter-agency use or sharing of government information.

- Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.
- Information relating solely to correspondence with individuals or persons.
- Press releases, fact sheets, press conferences, or similar communications in any medium that announce, support the announcement, or give public notice of information BIS has disseminated elsewhere.
- Archival records, including library holdings.
- Archival information disseminated by BIS before October 1, 2002, and still maintained by BIS as archival material.
- Public filings.
- Subpoenas.
- Information intended to be limited to adjudicative processes, such as pleadings, including information developed during the conduct of any criminal or civil action or administrative enforcement action, investigation or audit against specific parties, or information distributed in documents limited to administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.
- Solicitations (e.g., program announcements, requests for proposals).
- Hyperlinks to information that others disseminate, as well as paper-based information from other sources referenced, but not approved or endorsed by BIS.
- Policy manuals and management information produced for the internal management and operations of BIS, and not primarily intended for public dissemination.
- Information presented to Congress as part of legislative or oversight processes, such as testimony of BIS officials, and information or drafting assistance provided to Congress in connection with proposed or pending legislation that is not simultaneously disseminated to the public. (However, information which would otherwise be covered by applicable guidelines is not exempted from compliance merely because it is also presented to Congress.)
- Documents not authored by BIS and not intended to represent BIS's views as long as the documents are not disseminated by BIS (*see* definition of "dissemination").
- Research data, findings, reports and other materials published or otherwise distributed by employees or by BIS contractors or grantees that are identified as not representing BIS's views.

- Opinions where the presentation makes it clear that what is being offered is not the official view of BIS.

PART II

Information Quality Standards and Pre-Dissemination Review

Information quality is composed of three elements **S** utility, integrity and objectivity. Quality will be ensured and established at levels appropriate to the nature and timeliness of the information to be disseminated. Information quality is an integral part of the pre-dissemination review of information disseminated by BIS. Information quality is integral to information collections conducted by BIS and shall be further incorporated into the clearance process required by the Paperwork Reduction Act.

As OMB has recognized (OMB Guidelines, pp. 8452-8453), "information quality comes at a cost." In this context, OMB directed that "agencies should weigh the costs (for example, including costs attributable to agency processing effort, respondent burden, maintenance of needed privacy, and assurances of suitable confidentiality) and the benefits of higher information quality in the development of information, and the level of quality to which the information disseminated will be held." Therefore, in deciding the appropriate level of review and documentation for information disseminated by BIS, the costs and benefits of using a higher quality standard or a more extensive review process will be considered. Where necessary, other compelling interests such as privacy and confidentiality protections will also be considered.

The utility and integrity standards below pertain to all information disseminated by BIS. Following the utility and integrity standards are objectivity standards for each of the specific categories of BIS-disseminated information. Most of the standards presented in this document reflect existing practices in BIS. Therefore, the present tense has been used when describing them. Regardless of tense used, a performance standard is intended.

UTILITY

Information disseminated to the public by BIS in the categories of Administrative, Analytical Products, Training and Seminars, and Regulations and Rules, shall be useful to its intended audience. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. Where the usefulness of information will be enhanced by greater transparency, care shall be taken that sufficient background and detail is available, either with the disseminated information or through other means, to maximize the usefulness of

the information. The level of such background and detail shall be commensurate with the importance of the particular information, balanced against the resources required, and be appropriate to the nature and timeliness of the information to be disseminated.

INTEGRITY

Information disseminated by BIS to the public regardless of the specific distribution mechanism, shall be safeguarded from improper access, modification, or destruction. The Department will ensure that disseminated information, including original and supporting information, is protected commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.

All electronic information disseminated to the public by BIS adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130, the Computer Security Act, and the Government Information Systems Reform Act.

Confidentiality of data collected by BIS is safeguarded under the Privacy Act and Titles 13, 15, 22, and 50 of the U.S. Code.

OBJECTIVITY

BIS maintains the quality of its information products by setting high standards of performance in its activities. These activities include:

- The implementation of export control policy through the drafting, publishing, and implementation of export regulations;
- The planning and implementation of export control seminars; and
- The planning and design of surveys and other industry assessments.

Regulations

The Export Administration Regulations (EAR) are issued by the U.S. Department of Commerce and BIS, under laws relating to the control of certain exports, reexports, activities, and antiboycott provisions. The EAR has been designed primarily to implement the Export Administration Act of 1979, as amended.

The export control provisions of the EAR are intended to serve the national security, foreign policy, nonproliferation and short supply interests of the United States. Exporters use the regulations as a guide to understand their export responsibilities, to make proper export decisions, and to ensure their actions comply with U.S. export control laws. In addition, BIS issues the Chemical Weapons Convention Regulations and the National Security Industrial Base Regulations.

The regulations issued by BIS are set forth in parts 700-774 of Title 15 of the Code of Federal Regulations. All changes to the regulations are published in the *Federal Register*. The Government

Printing Office (GPO) prints a loose leaf version of the EAR annually and provides quarterly updates via “Bulletins.” The EAR is also available online at the GPO Web site.

Objectivity involves a focus on ensuring that information is accurate, reliable and unbiased and that information products are presented in an accurate, clear, complete and unbiased manner. Objectivity in the regulations process is achieved by collecting information for policy decisions from a broad spectrum of experts and interested parties to the regulations.

Every change or addition to the regulations includes a preamble which provides the rationale for the rule and the implementing executive order or policy decision on which the new rule or regulatory change is based.

Standard of Quality

BIS fully understands the importance of exports to America’s economic well being, and continually strives to improve the export control system and regulations so that it supports, rather than hinders, legitimate trade. BIS ensures that all policy changes are analytically sound and consistent with governing law and that the regulations are written in a clear, concise manner to ensure that exporters can easily understand their export obligations.

Pre-dissemination Review

Revision of the regulations is a collaborative and interactive process. Prior to publication, all revisions to the regulations undergo intensive review by regulatory, subject expert, and legal staff, the interagency community, and OMB. Regulations are drafted by experienced BIS regulatory analysts who coordinate with BIS subject and technical experts. BIS obtains input from U.S. industry through its Technical Advisory Committees (TACs). The TACs advise on proposed regulatory revisions to the U.S. and international export control lists, specifically on the worldwide availability and use of controlled items and the impact of controls on industry. All proposed regulations are sent to appropriate Federal agencies for review and comment as well as the OMB prior to publication.

Outreach Export Control and Other Seminars

BIS provides the business community with information regarding changes in export policy and licensing procedures through a program of educational seminars and workshops. Each year, through seminars offered at locations throughout the United States, BIS provides guidance on the EAR to new and established exporters. A one-day seminar program covers the major elements of the U.S. export control system for commercial exports. A more intensive two-day program is offered for exporters who need a more comprehensive understanding of their obligations under the EAR including workshops on topics of specialized interest (e.g., commercial encryption licensing, freight forwarder obligations, implementing export management systems, and control of technology transfers to foreign nationals). In addition to the regular seminar program, BIS conducts Chemical Weapons Convention (CWC) seminars. This industry specific seminar program is targeted for companies subject to the reporting requirements and on-site verification activities required under the CWC Regulations.

The BIS Office of Export Enforcement also hosts Business Export Enforcement Team (BEET) meetings where officials from BIS's Office of Antiboycott Compliance, U.S. Attorney's Offices, the FBI and the U.S. Customs Service help exporters better understand their responsibilities under the export control regulations. The Office of Export Enforcement provides handouts to exporters to help them detect and avoid suspicious transactions and know whom in the government to contact if they wish to report possible illegal transactions.

As part of its outreach seminar activities, BIS disseminates copies of slides used in speaker presentations, regulations, summaries of recently published *Federal Register* notices, and various handbooks and forms useful to the exporter.

BIS also conducts or participates in U.S. government technical exchange programs with other governments on a variety of export control topics. These activities include assessments of national export control systems, executive exchanges, licensing and regulatory workshops, enforcement workshops, industry/government conferences, and internal control program workshops.

Objectivity involves a focus on ensuring that information is accurate, reliable and unbiased and that information products are presented in an accurate, clear, complete and unbiased manner. Objectivity in the seminar process is achieved by ensuring disseminated information accurately reflects the EAR and that seminars are scheduled in locations throughout the United States to ensure the broadest spectrum of exporters are reached.

All disseminated information is based on published regulations. Every change or addition to the regulations includes a preamble which provides the rationale for the rule and the implementing executive order or policy decision on which the new rule or regulatory change is based.

Standard of Quality

All disseminated information is based on published regulations that undergo an intensive subject expert, senior management, interagency, legal, and OMB review before they are published. The BIS standard of quality shall continue to ensure that all seminar handout information is accurate, up-to-date, and written and presented in a clear, concise manner to help industry understand their regulatory export control or other obligations.

Pre-dissemination Review

BIS management reviews, clears, and monitors the quality of information provided at seminar programs and technical exchanges to ensure the accuracy of the material disseminated.

Surveys and Industry Assessments

The Department of Commerce has delegated to BIS statutory authority under the Defense Production Act of 1950, as amended, to assess the health and competitiveness of industries comprising the defense

industrial base. Studies are initiated in one of four ways: Congressional mandate; petition from industry; request from the Defense Department; or self-initiation.

BIS collects information from industry through surveys. BIS targets the entire industry to the maximum extent possible, offering concessions to small firms to reduce the burden placed on those firms. This information is analyzed, aggregated, and published, typically in the form of a trend analysis report which is made available to the public. These reports are either annually occurring, or conducted on a one-time basis for a particular defense-related sector.

Standard of Quality

To ensure objectivity, all BIS surveys are created with the help of experts from government, industry, and academia. Assistance of industry experts, both from the private sector and other government agencies, creates a partnership between academia, industry, and government which enhances the objectivity and quality of the assessment and the effective use of its results.

All industry data is collected in a dedicated database located on BIS's local area network to protect it from outside tampering, manipulation, or premature disclosure to the public.

Reproducibility and Transparency

Reproducing a survey of the entire industry is not practical, and original data collected by BIS in conducting Surveys and Industry Assessments is subject to the confidentiality provisions of the Defense Production Act of 1950, as amended. Because BIS may not disclose the original data, BIS is committed to disclosure of the specific data sources, quantitative methods, and assumptions used. BIS shall apply especially rigorous robustness checks on the data and the analytic results which shall consist of: ensuring that collected information reflects a reasonable expectation of accuracy or consistency; reviewing data to ensure that statistical variations are realistic in the context of each respondent's submission; performing several data validation checks for each database record, such as nominal ratios of productivity (revenues/employees, for instance) to identify and correct numerical errors introduced by survey respondents or the data entry process; and adjusting or removing all unusual or extraordinary data to reflect the intended use of the data element.

Definitions provided in the surveys are the same as those used by the Bureau of the Census surveys. The surveys are BIS field-tested before being mailed to the survey pool. When the completed surveys are returned, BIS validates the data obtained through the survey to assure that standards of quality are met. Staff identify data inconsistencies and correct them through double-checking of data entered and follow-up contact with select survey respondents. In addition, outside sources of comparable industry data are compared to the BIS survey data. For example, the Bureau of Census and the Labor Department's Bureau of Labor Statistics maintain detailed industry information suitable for this purpose. If poor correlation exists, additional information may be sought to correct or otherwise explain the inconsistency.

Pre-dissemination Review

A review of the initial draft report is conducted with the customer and other members of the survey design team to ensure appropriate and meaningful interpretation of the survey data. This process may typically lead to revisions and refinements in methods used to analyze the data. A subsequent review is conducted with select industry associations to solicit input and feedback. This second review generally leads to additional refinements of the report. The final report is cleared by BIS management, and the Office of Chief Counsel for Industry and Security conducts a legal review of the report.

Administrative Information

Administrative information disseminated by BIS includes:

- The submission to the Congress of an *Annual Report* which describes BIS activity for the most recent fiscal year;
- The submission to the Congress of the annual *Report on Foreign Policy Export Controls*, which addresses all of the export controls implemented by the Department of Commerce for foreign policy reasons each year; and
- The maintenance of a **Web site** which provides easy access to BIS's regulations and other vital information.

Reports to the Congress

The submission to the Congress of the Annual Report and the Report on Foreign Policy Export Controls is provided for in Sections 6 and 14 of the Export Administration Act of 1979 (EAA), as amended. The EAA expired in August 2001, and, since that time, export controls administered by BIS have been maintained under the authority of the International Emergency Economic Powers Act (IEEPA) pursuant to a declaration of national emergency by the President. The Department of Commerce submits these reports under a policy of conforming its actions under IEEPA, insofar as appropriate, to those taken under the Act. Objectivity involves a focus on ensuring that information will be accurate, reliable and unbiased and that information products are presented in an accurate, clear, complete and unbiased manner.

Standard of Quality

BIS strives to make the *Annual Report* and *Report on Foreign Policy Export Controls* accurate, easy to understand, and readily available to the public.

Pre-dissemination Review

The *Annual Report* is a collaborative process involving all sections of the agency. Prior to publication, the report is intensively reviewed by staff experts, legal counsel, and senior management. The *Report on Foreign Policy Export Controls* also is reviewed by an interagency group consisting of the Departments of State, Defense, and Energy.

BIS Web Sites

BIS maintains comprehensive Web sites which contain vital information from all agency program areas. The Web sites are frequently updated to keep current with the Agency's activities.

Standard of Quality

All information posted on BIS Web sites is a collaborative process involving all sections of the agency. BIS strives to maintain the highest quality of information on its Web sites.

Pre-dissemination Review

Prior to publication, new postings are intensively reviewed by staff experts, legal counsel, and senior management. A Web Site Editorial Board, consisting of representatives from all of the agencies major operating units, oversees the review process.

PART III Administrative Correction Mechanism

A. OVERVIEW AND DEFINITIONS

Requests to correct information

Any affected person (see "Definitions" below) may request, where appropriate, timely correction of information disseminated that does not comply with the applicable guidelines, as defined below. An affected person who desires a correction of disseminated information must submit a request for such action as outlined in section (c) below.

Burden of Proof

The burden of proof is on the requester to show both the necessity and type of correction sought. This burden applies to both initial requests for the correction of disseminated information and to appeals of initial decisions on a request for the correction of disseminated information.

Definitions

(1) "*affected person*" means an individual or entity that uses, benefits from, or is harmed by the disseminated information at issue.

(2) “*applicable guidelines*” means the guidelines for information quality set forth by OMB, the Department of Commerce, and the BIS guidelines, of which this administrative mechanism is a portion;

(3) “*appropriate BIS official*” means the appropriate Assistant Secretary of Commerce that has supervisory authority over the program office that is responsible for the information that was disseminated by BIS. This authority may be delegated in writing to the appropriate Deputy Assistant Secretary of Commerce. For program offices that do not report to an Assistant Secretary of Commerce, the appropriate BIS official means the Deputy Under Secretary of Commerce for Industry and Security;

(4) “*person*” means a natural person, including a citizen or national of the United States or of any foreign country; any firm; any government, government agency, government department, or government commission; any labor union; any fraternal or social organization; and any other association or organization whether or not organized for profit; and

(5) “*program office*” means an office, department, or other unit of BIS responsible for carrying out specified substantive BIS programs or functions.

B. PROCEDURES FOR SUBMISSION OF INITIAL REQUESTS FOR CORRECTION

(1) Persons seeking correction of information disseminated by BIS shall make the request in writing to BIS. All requests for correction of information disseminated by BIS shall be sent to BIS’s Office of Administration which shall forward such request to the program office within BIS responsible for the dissemination of the information. Such program office shall evaluate the request and determine whether a correction of such information is appropriate and warranted.

(2) An initial request for correction of disseminated information must be made in writing to BIS. The request for correction shall be transmitted to the following addresses:

Mail:
Information Quality Coordinator
Office of Administration
Bureau of Industry and Security
U.S. Department of Commerce
14th & Constitution Ave., NW
Washington, DC 20230

[Contacting us by Email](#)

(3) (i) No initial request for correction will be considered under these procedures concerning:

(A) a matter not involving “information,” as that term is defined in the OMB guidelines, as defined in section (b)(4);

(B) information that has not actually been “disseminated,” as that term is defined in the OMB guidelines;

(C) information which has been disclaimed by the Department or by BIS;

(D) the request for correction is duplicative, repetitious, or frivolous; or

(E) the correction of the disseminated information, if such correction would serve no useful purpose. For example, the correction of disseminated information would serve no useful purpose with respect to information that is “perishable” (not valid, used or useful after a stated short period of time) or “observational” (a report of information recorded at a particular place and time). This limitation would not, however, preclude a request for correction alleging a systemic problem resulting in consistent errors in the dissemination of perishable or observational information.

(ii) Such a request will be accounted for in the Department’s annual report to OMB.

(iii) A decision regarding whether a request for information falls within one of the categories described above in (b)(3)(i), shall be made by the appropriate program office director.

(4) At a minimum, initial requests must include:

(i) the requester’s name, current home or business address, and telephone number or electronic mail address (in order to ensure timely communication);

(ii) an accurate citation to or description of the particular information disseminated which is the subject of the request (including the date and information source from which the requester obtained the information); and

(iii) an explanation of:

(A) how the requester is affected;

(B) how the requester believes the program office that disseminated the information failed to follow the applicable guidelines as defined above; and

(C) why the requester believes that the subject information is not correct.

(5) Upon receipt of an initial request, the Office of Administration will notify the requester of the receipt of the request for correction within 10 working days, and will forward the correction request to the appropriate program office director for action.

- (6) (i) Upon receipt of a request from an affected person meeting the requirements of section (b)(4) (hereinafter called “a proper request”), an initial decision will be communicated to the requester within 60 calendar days. If the appropriate program office director is unable to render a decision within 60 calendar days, the program office director may extend the time for an initial decision by an additional 30 calendar days. A decision to extend the time period for initial decision shall be communicated to the requester.
- (ii) No action will be taken regarding a request that fails to meet the requirements of section (b)(4). The submitter of any such request will be notified of this disposition by the appropriate program office director. A notification of such a disposition shall be without prejudice, and the submitter may correct the request and refile it with BIS. Such a request will be accounted for in the Department’s annual report to OMB.
- (iii) A proper request received concerning information disseminated as part of and during the pendency of the comment period on a proposed rule or other action involving an opportunity for prior notice and public comment, including a request concerning the information forming the record of decision for such proposed rule or action, will be treated as a comment filed on that proposed rule or action, and will be addressed in issuance of any final rule or action.
- (7) (i) Upon receipt of a proper request under this section, the appropriate program office director must make a preliminary determination as to whether the request has merit. A request for correction will be preliminarily determined to have merit if it reasonably demonstrates, on the strength of the assertions made in the request alone, that the information disseminated was based on a misapplication or non-application of the applicable guidelines.
- (ii) A determination that a request does not have merit will be communicated to the requester within 10 working days. The determination that a request does not have merit shall be made by the applicable program office director. Such a determination shall be made without prejudice, and the submitter may modify and refile the request for correction of information disseminated by BIS. There is no appeal from a decision that a request does not have merit.
- (8) (i) If a request is preliminarily determined to have merit, the responsible program office director will objectively investigate and analyze, in a manner consistent with established internal procedures, whether the information disseminated is in compliance with BIS guidelines. The appropriate program office director will make an initial decision, based on the information provided in the request and appropriate internal investigation and analysis, whether the information should (a) be corrected because it does not comply with the applicable guidelines (granted request) or (b) not be corrected because it does comply with the applicable guidelines or that, while it does not comply with the applicable guidelines, the results would have been substantially or statistically the same even had the information complied with the applicable guidelines (initial denial). There will be no opportunity for an in-person hearing on a request made under this section.
- (ii) If the agency determines that corrective action is appropriate, 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, postings on an appropriate website, or withdrawal of the information in question. The form of corrective action will be determined by the nature and timeliness of the information involved and such factors as the significance of the error on the use of the information, and the magnitude of the error.

(iii) The appropriate program office director must communicate his initial decision to the requester within the time frame established in section (b)(6)(i) of these guidelines. The initial decision must contain the name and title of the person communicating the decision, and a notice that the requester may appeal an initial decision to the appropriate BIS official (with the name, title, and address of that official) within 30 calendar days of the date of the initial decision. An initial decision will become a final decision if no appeal is filed within 30 days.

- (9) Some information that is disseminated by BIS is subject to an interagency review and approval process. If the information that the requester seeks to have corrected is subject to the interagency review and approval process, and the appropriate program office director agrees to make the requested correction in the information, BIS will make its best efforts to correct the information. The appropriate program office director will notify the requester if the disseminated information complained of is subject to the interagency review and approval process. Because of the nature of the interagency review and approval process, BIS cannot guarantee that the correction will be approved or approved in a timely manner by the other agencies that are responsible for reviewing and approving of the information to be disseminated.

C. APPEALS FROM INITIAL DENIAL

- (1) Any person receiving an initial decision on a request to correct information made pursuant to section (b) above, including any corrective action, may file a request for an appeal of such decision, which must be made within 30 calendar days of the date of such initial decision. Such appeal must be in writing and addressed to the appropriate BIS official, as named in the initial decision, responsible for the program office that disseminated the information that is the basis of the initial request for correction. At a minimum, an appeal of an initial denial must include:

(i) the requester's name, current home or business address, and telephone number or electronic mail address (in order to ensure timely communication);

(ii) a copy of the original request and any correspondence regarding the initial denial; and

(iii) a statement of the reasons why the requester believes the initial decision was in error.

- (2) The appropriate BIS official (as defined in section A) will decide whether the information should be corrected based on all the information presented in the appeal. There will be no opportunity for an in-person hearing. The appropriate BIS official must communicate his/her decision to the requester 60 calendar days after receipt of the appeal. If the appropriate BIS official is unable to render a decision within 60 calendar days, the official may extend this period for an additional 30 calendar days. The appropriate BIS official shall communicate this extension to the requester.

The form of corrective action will be determined by the nature and timeliness of the information involved and such factors as the significance of the error on the use of the information, and the magnitude of the error. The decision of the appropriate BIS official will constitute a final decision by the Department.

- (3) The appropriate BIS official may determine that an appeal meets one of the criteria in paragraph (b)(8) and seek to correct the disseminated information through the interagency review and approval process. The appropriate BIS official will communicate such a determination to the requester and will use best efforts to seek interagency review and approval of the correction to the disseminated information.
- (4) Where an initial denial has been made concerning information that is part of a rule or other action identified in section (b)(6)(iii), and an administrative appeal mechanism, such as a reconsideration process, exists, an appeal will be considered pursuant to that process.