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## INFORMATION QUALITY GUIDELINES (OCTOBER 1, 2002)

### INTRODUCTION

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#### Background

On December 21, 2000, Congress passed Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (the Act). On February 22, 2002, OMB issued final guidance for implementing the Act, which required all Federal agencies to:

- Issue information quality guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the agency;
- Establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the OMB guidelines, and;
- Report to the Director of OMB the number and nature of complaints received regarding compliance with the OMB guidelines, including how the complaints were resolved.

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#### Purpose

The purpose of these guidelines is to establish guidance for implementing an Information Quality program at the Pension Benefit Guaranty Corporation (PBGC). This revised draft Information Quality guidance is intended to enhance the quality of the information disseminated by the PBGC.

#### SCOPE AND APPLICABILITY

These guidelines are intended, within the context of laws administered and enforced by the PBGC, to meet the data quality objectives set forth in OMB's guidelines. They are intended to improve the internal management of the Federal Government. They are not intended to impose any binding requirements or obligations on the PBGC or the public or to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any person. They are not intended to provide any right to judicial review.

These guidelines reflect the PBGC's commitment to information quality as an important management objective that takes its place alongside other agency objectives, such as ensuring the success of the PBGC's mission, observing budget resource priorities and restraints, and providing information to the public. The PBGC will strive to assure that these goals reinforce each other as much as is practicable. Where the PBGC believes that they conflict, the PBGC will, consistent with its legal responsibilities, attempt to

reconcile them in a manner which the agency believes will best serve the public interest and help the PBGC meet its statutory or program obligations.

Program efficiency must be a critical goal as the PBGC carries out its responsibilities under these guidelines. Thus, for example, it may not be in the public interest for the PBGC to devote significant resources to correcting information where the expenditure of such resources is not, in the PBGC's view, cost effective in light of the significance of the data and the PBGC's more pressing priorities and obligations.

The PBGC's pre-dissemination reviews apply to information that PBGC first disseminates on or after October 1, 2002. Other aspects of these guidelines, including the information correction process, apply on or after October 1, 2002, with respect to information that the PBGC disseminates on or after October 1, 2002, regardless of when the PBGC first disseminated the information. 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. Dissemination includes PBGC initiated or sponsored distribution of information to the public. It does not include PBGC citation to or discussion of information that was prepared by others and considered by the PBGC in the performance of its responsibilities, unless the PBGC disseminates it in a manner that reasonably suggests that the PBGC agrees with the information. PBGC sponsored distribution of information covers instances where the PBGC has directed a third party to disseminate specific information on its behalf, or where the PBGC has exercised its authority to review and approve the information before release. By contrast, if the PBGC funds research, but the researcher decides whether or not to disseminate the results, the PBGC has not "sponsored" the dissemination, and the information is not subject to these guidelines. In these instances, the PBGC will direct the researcher to include an appropriate disclaimer in the publication. Similarly, the guidelines would not cover publications of their research findings by PBGC employees or Federal grantees or contractors when published in the same manner as their academic colleagues. Again, the researchers should include an appropriate disclaimer noting that the views are theirs and not necessarily those of the PBGC.

These guidelines do not apply to the following:

- Information intended to be limited to distribution to government employees, or PBGC contractors or grantees;
- Government information intended to be limited to intra- or inter-agency use or sharing, such as strategic plans, performance plans, program reports, operating plans, or budgets;
- Responses to requests for PBGC records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar laws;
- Correspondence or other communications with individuals, or organizations (for instance, these guidelines do not apply to participant benefit determinations);
- Press releases (except where the press release itself is the primary source of the information);
- Congressional testimony (except where the testimony itself is the primary source of the information);
- Archival records;
- Public filings;
- Dissemination of information through subpoenas or adjudicative processes, such as those recognized under the Administrative Procedure Act or established pursuant to regulation; provided, however, that information originally disseminated through such vehicles could subsequently become subject to these guidelines to the extent it is re-disseminated more broadly through other vehicles;
- Information clearly represented as opinion and not an official PBGC representation;
- Policy guidance, recommendations, or statements or summaries of agency policies, procedures, or programs;
- Statements of legal policy or interpretations, including briefs filed with courts or administrative bodies; and
- Final agency decisions, settlements in litigation and descriptions of these

settlements, or determinations of legal force and effect.

For a glossary of numerous terms and their definitions used throughout the rest of this document, please consult the Appendix. The definitions are from OMB guidance for the Act.

#### **QUALITY MANAGEMENT PRINCIPLES**

The PBGC will establish information quality, as defined in OMB and these information quality guidelines, as a performance goal. Quality includes the "utility," "objectivity," and "integrity" of the information. The level of quality will be "appropriate to the nature and timeliness of the information to be disseminated," and will be affected by the resources available and the nature of the underlying data. In considering utility, the PBGC will evaluate the usefulness of particular information to those expected to use it. The information also will be objective -- "accurate, reliable, and unbiased," and presented "in an accurate, clear, complete, and unbiased manner." The PBGC also will protect the integrity of information from unauthorized access or revision. These objectives and guidelines are to be interpreted consistent with PBGC's statutory obligations.

Where the PBGC is disseminating information of a scientific, financial, or statistical nature, it will use sound statistical and research methods to develop and analyze the data. Depending on the type of information disseminated, and consistent with statutory and confidentiality restrictions, the PBGC will identify the sources of the information, and where appropriate, the supporting data, models, and error sources.

Where the PBGC develops and disseminates "influential" scientific, financial, or statistical information, it will provide a higher level of transparency about data and methods. Unless prevented by confidentiality, legal constraints, limited resources, or other compelling interests, the level of transparency will be such that qualified third parties could reproduce the information. In identifying what kinds of information may be subject to reproducibility standards, the PBGC will use commonly accepted scientific, financial, or statistical standards. The PBGC, when practicable, will make arrangements that will permit appropriate public access to the related original and supporting data and analytical results. Regarding analytical results in situations where the PBGC does not permit access to data or methods due to other compelling interests, such as confidentiality protections, the PBGC will, unless otherwise prohibited by law, generally disclose its data sources (at whatever levels of generality are needed to preserve necessary confidentiality), quantitative methods and assumptions that have been employed, and the types of robustness checks (which, in these cases, will be especially rigorous) used to assure the quality of results.

#### **INFORMATION QUALITY RESPONSIBILITIES**

The PBGC will make information quality an important goal in every phase of a product's development. The following responsibilities pertain to the implementation of these quality guidelines.

Information Quality Officer

- Maintain a leadership role in overseeing the implementation of these guidelines and in providing guidance to the appropriate PBGC employees on information quality matters.
- Develop and submit to OMB the annual report concerning the number, nature, and resolution of complaints regarding PBGC compliance with OMB guidelines.
- Coordinate, as appropriate, with other Federal organizations on cross-agency information quality issues.
- Apply, consistent with applicable statutes and regulations, these information quality guidelines to PBGC-sponsored information products that the PBGC has direct authority to control.
- Ensure that where PBGC-sponsored information does not necessarily reflect the views of the PBGC, an appropriate disclaimer will be included.
- Ensure that in its submissions to the OMB under the Paperwork Reduction Act, the PBGC demonstrates how it is attempting to provide that information will be collected, maintained, and used in a way consistent with OMB and PBGC information quality standards.

## INFORMATION CATEGORIES

Per OMB's guidance, 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 PBGC 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 PBGC's presentation makes it clear that what is being offered is someone's opinion rather than fact or the agency's views on information of the kind that is subject to these guidelines.

The PBGC has identified two categories of information that are disseminated to the public, with the level of quality control and review being greater for influential information than for non-influential information. Whether information is influential is to be determined on an item-by-item basis rather than by aggregating multiple studies, documents, or other informational items that may influence a single policy or decision.

### **Influential**

Definition: This category contains scientific, financial, or statistical information when the PBGC can reasonably determine that dissemination will have or does have a clear and substantial impact on important public policies or important private sector decisions.

To be influential, information should have a clear and substantial impact. A clear impact is one that is determined by the PBGC to have a high probability of occurring. A substantial impact is one that meets the levels of significance described below.

In rulemaking, influential information is scientific, financial, or statistical information that the PBGC believes will have a clear and substantial impact on the resolution of one or more key issues in an economically significant rulemaking, as that term is defined in section 3(f)(1) of Executive Order 12866.

In non-rulemaking contexts, the PBGC will consider two factors in relation to each other - breadth and intensity - in determining whether information is influential. These factors need to be considered together. Information that has a low cost or modest impact on a limited range of affected parties is less likely to be influential than information that can have a very costly or crucial impact on a broad range of parties. Of course even information that has a low cost or modest impact on any one party can be influential if it can impact a broad range of parties. Within that framework, in considering whether information has a high intensity impact, the PBGC will use as a benchmark the \$100 million figure used to determine whether a rule is economically significant.

It should be noted that the definition of "influential" applies to information itself and not to the decisions that the information may support. Even if a decision or action by the PBGC is very important, a particular piece of information supporting it may not be influential, for example, because it is cumulative to other information or because it involves legal or policy issues.

Moreover, if it is merely arguable that an impact will occur, or if it is a close judgment call, then the impact is probably not clear and substantial. The "influential" designation is intended to be applied to information only when clearly appropriate. The PBGC will not designate information products or types of information as influential on a regular or routine basis.

### **Non-Influential**

Definition: All information disseminated to the public that does not meet the criteria set forth in the influential information definition.

## PRIVACY AND SECURITY INFORMATION

Regardless of the category of information, the PBGC will comply with the Privacy Notice and Security Disclaimer posted on its web site. The PBGC is strongly committed to maintaining the privacy of information and the security of its computer systems. With respect to the collection, use, and disclosure of information, the PBGC makes every

effort to ensure compliance with applicable Federal laws, including, but not limited to, the Privacy Act of 1974, the Paperwork Reduction Act of 1995, the Trade Secrets Act, and the Freedom of Information Act. The PBGC reaffirms its commitment to keep the public appropriately informed.

As part of its efforts to ensure and maintain the integrity of the information disseminated to the public, the PBGC's IT security policy and planning framework is designed to protect information from unauthorized access or revision and to ensure that the information is not compromised through corruption or falsification.

#### **INFORMATION QUALITY ASSURANCE TECHNIQUES AND METHODS**

The PBGC will use the information quality assurance techniques and methods that it determines are most appropriate for the information product being disseminated.

#### **INFORMATION QUALITY ASSURANCE PROCESS**

The PBGC will use the information quality assurance process described below to maximize the quality of information disseminated. The PBGC will use information quality assurance processes that are appropriate to the complexity and importance of the product being developed. The PBGC may use appropriate pre-existing information quality assurance processes that are at least as effective as those of OMB guidelines.

The quality assurance process will begin at the inception of the product development process. At the initiation of the product development process, the PBGC will consult its existing information quality assurance guidelines. The PBGC will determine the information category of the product to be developed, the level of quality assurance needed, and the appropriate techniques required to maximize and ensure information quality.

There are numerous techniques and methods the PBGC can utilize to ensure it consistently produces and disseminates quality information. The PBGC will use the information quality assurance techniques and methods that it determines are most appropriate for its information products. If the PBGC chooses to conduct a formal, independent, external peer review of data and analytical results, the peer review will meet the following general criteria: (a) peer reviewers will be selected primarily on the basis of necessary technical expertise; (b) peer reviewers will be expected to disclose to the PBGC prior technical or policy positions they may have taken on the issues at hand; (c) peer reviewers will be expected to disclose to the PBGC their sources of personal and institutional funding (private or public sector); and (d) peer reviews will be conducted in an open (made public) and rigorous manner.

The PBGC will incorporate the selected quality assurance techniques into the project development schedule. Throughout the product's development, the PBGC will ensure that quality assurance decisions are defensible and appropriate to the category of information involved. The product may be subject to internal PBGC quality controls. For example, if the PBGC decides to post the information on its web site, it will adhere to its own web site review and clearance process. The PBGC will incorporate lessons learned into future product development activities so as to improve its overall quality management process. For draft information collections designed to gather information that the agency plans to disseminate, the PBGC will demonstrate in its Paperwork Reduction Act clearance packages that each such draft information collection will result in information that will be collected, maintained, and used in a way consistent with the OMB and PBGC information quality standards.

#### **INFORMATION COMPLAINT AND REVIEW PROCESS**

Because the PBGC is committed to information dissemination programs based on high standards of quality, it recognizes the value of public input. The PBGC therefore encourages the affected public to suggest improvements in the PBGC's information practices and to contact it when particular disseminated information may not meet the guidelines set forth above. The PBGC believes that in most cases, informal contacts would be appropriate.

Sometimes the PBGC and affected persons may find it helpful to resolve concerns about information in a more structured way and may choose to follow a more formal

process. Affected persons may submit complaints and requests for review under these guidelines to the Information Quality Officer. Information on where and how to reach the Information Quality Officer will be available on the PBGC's web site. The PBGC will designate one or more officials to review information complaints and another official or officials who will be responsible for request for review if the complainant is dissatisfied with the initial response to the complaint. The official conducting the second level review will not be the same official who responded to the initial request. In determining the person designated to respond to requests for review, the PBGC will consider such factors as the qualifications of the person and the significance of the information in question.

*The purpose of the information complaint and review process is to deal with information quality matters, not to resolve underlying substantive policy or legal issues or factual disputes.*

As in the case with other provisions of these guidelines, the process is intended to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any person. It is not intended to provide any right of judicial review.

Moreover, this process is not intended to substitute for other legally authorized processes, such as the Privacy Act, the rulemaking processes, or the administrative review processes. For example, concerns regarding information in a rulemaking must, except as provided below, be presented in the rulemaking in accordance with the rulemaking's procedures

#### **Overview of Information Complaint and Review Process**

Affected persons may indicate their interest in following a more structured complaint and review process by expressing that interest to the PBGC. Complainants should:

- Identify themselves and indicate where and how they can be reached;
- Identify, as specifically as possible, the information in question;
- Indicate how they are affected by the information about which they are complaining;
- Carefully describe the nature of the complaint, including an explanation of why they believe the information does not comply with OMB or PBGC guidelines; and
- Describe the change requested and the reason why the PBGC should make the change.

Failure to include this information may result in a complainant not receiving a response to the complaint or greatly reducing the usefulness or timeliness of any response. Complainants should be aware that they bear the burden of establishing that they are affected persons and showing the need and justification for the correction they are seeking, including why the information being complained about does not comply with applicable guidelines.

In deciding how to handle complaints, the PBGC will be especially mindful of its legal obligations, program priorities, resource constraints, and its duty to use resources efficiently. For example, the PBGC has important responsibilities to issue rules and provide compliance guidance to the public. The PBGC will administer the complaint and review process, consistent with these obligations and its responsibilities to carry them out in an expeditious manner.

Any structured process would not apply to the PBGC's archival information or to public filings. The PBGC may choose not to respond to complaints about claimed defects that are frivolous or unlikely to have substantial future impact.

Where procedures exist for dealing with information quality issues, the PBGC may consider resolving complaints by referring them to these procedures. For example, complaints about the quality of information in a rulemaking are ordinarily to be

submitted and handled in accordance with rulemaking procedures. As the PBGC considers information quality issues within the context of a rulemaking, it is reminded of its primary responsibility to resolve these issues in a manner consistent with the Administrative Procedure Act and the substantive statute pursuant to which the rule is being issued. When the PBGC disseminates a study, analysis, or other information prior to the final agency action or information product, requests for correction should be considered prior to the final agency action or information product in those cases if the PBGC determines 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 PBGC's dissemination if the PBGC does not resolve the complaint prior to the final agency action or information product. In deciding what action may be appropriate in these unusual circumstances, the PBGC will consider the factors previously discussed in these guidelines. It also may consider: (1) the impact of the information on the complainant; (2) the extent to which the complainant's concerns have been rendered moot as a result of actions taken by the PBGC; (3) the mechanisms available under the Administrative Procedure Act or other laws to resolve complainant's concerns; and (4) the public interest to be served in pursuing further action on the complaint.

Where the PBGC responds directly to a complaint, it will respond in the manner that it deems most suitable, whether by letter, telephone, email, or otherwise.

The PBGC will try to respond to complaints and requests for review within sixty (60) days of receipt, unless the PBGC deems a response within this time period to be impracticable. If the PBGC believes that more time is required to decide how to respond to a complaint or request for review, it will attempt to estimate the time needed and notify the complainant within the 60-day period of the reasons for the delay and the time that it estimates that a decision will be reached. Once the PBGC has decided how to address the complaint, it will notify the complainant.

If a complainant is dissatisfied with the initial response to the complaints, he or she may submit a request for review to the PBGC.

A complainant may request review within forty five (45) days of the date the PBGC notified the complainant how it would handle the complaint or one hundred and five (105) days from the date on which the PBGC first received the complaint, whichever is later. The request for review should contain the same contact and descriptive information that was provided in the original complaint and the specific reasons why the initial response was not satisfactory. Once a review decision has been rendered by the PBGC, it will notify the affected person.

In processing initial complaints and requests for review, the PBGC will be flexible and take into account, among other things, the nature, significance, and volume of complaints, the particular program needs, and available review mechanisms.

The PBGC will be prepared to vary its procedures if it believes that other approaches are more suitable to carrying out its mission or would facilitate compliance with the purposes of these guidelines. Moreover, the PBGC welcomes any suggestions from the public at any time concerning the improvement of this draft complaint and review process.

#### **TRACKING AND REPORTING INFORMATION COMPLAINTS AND REQUESTS FOR REVIEW**

The Information Quality Officer is responsible for reporting the results of the PBGC's information quality efforts as required by OMB guidance.

The PBGC will establish on its website an information quality site to keep the public informed about information quality on a timely basis. The purpose of the information quality site would be to inform the public about the PBGC's information quality practices and procedures. The information quality site should include, at a minimum, access to the PBGC's data quality guidelines and an easy-to-understand explanation of the PBGC's procedures regarding requests for correction (which will include an explanation of how a person may file a request and, subsequently, a request for review of the

agency's response to the request). The information quality site also could contain other types of information, such as a description of significant corrections that the PBGC has made as a result of the correction procedures. The PBGC will determine the content of this information page based on its mission, activities subject to the guidelines, and the expected level of interest by members of the public

#### APPENDIX: INFORMATION QUALITY GLOSSARY

OMB provides the following definitions in its guidance for the Act.

1. "Quality" is an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these four statutory terms, collectively, as "quality."
2. "Utility" refers to the usefulness of the information for 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 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.
3. "Objectivity" involves two distinct elements, presentation 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 agency needs to identify the sources of the disseminated information (to the extent possible, consistent with confidentiality protections) and, in scientific, 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, supporting data should have full, accurate, 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 analytical 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 agency-sponsored 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/infereg/oira\\_review-process.html](http://www.whitehouse.gov/omb/infereg/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 agencies prior technical/policy positions they may have taken on the issues at hand, (c) peer reviewers be expected to disclose to agencies their sources of personal and institutional funding (private or public sector), and (d) peer reviews be conducted in an open and rigorous manner."
    - ii. If an agency is responsible for disseminating influential scientific, financial, or statistical information, agency guidelines shall include a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties.
      - A. With regard to original and supporting data related thereto, agency guidelines shall not require that all disseminated data be subjected to a reproducibility requirement. Agencies may identify, in consultation with the relevant scientific and technical communities, those particular types of data that can be practicably be subjected to a reproducibility requirement, given ethical, feasibility, or confidentiality restraints. 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, or sample) shall not be required prior to each dissemination.
      - B. With regard to analytic results related thereto, agency 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 agency analysis of information from multiple studies.
        - i. 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.

ii In situations where public access to data and methods will not occur due to other compelling interests, agencies shall apply especially rigorous robustness checks to analytic results and document what checks were undertaken. Agency guidelines shall, however, in all cases, require a disclosure of the specific quantitative methods and assumptions that have been employed. Each agency is authorized to define the type of robustness checks, and the level of detail for documentation thereof, in ways appropriate for it given the nature and multiplicity of issues for which the agency is responsible.

C. With regard to analysis of risks to human health, safety, and the environment maintained or disseminated by the agencies, agencies shall either adopt or 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) and (B)). Agencies 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 agencies to medical providers, patients, health agencies, and the public. Information quality standards may be waived temporarily by agencies under urgent situations (e.g., imminent threats to public health or homeland security) in accordance with the latitude specified in agency-specific guidelines.

4. "Integrity" refers to the security of information - 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 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.

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, 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.

8. "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.

9. "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.

10. "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.

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