

Department of the Treasury Financial Crimes Enforcement Network Procedures for Implementation of the Information Quality Law

Introduction: Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554) requires Federal Agencies to issue guidelines ensuring and maximizing the quality, utility, objectivity, and integrity of disseminated information. This document serves as the Financial Crimes Enforcement Network (FinCEN) “Procedures for Implementation of the Information Quality Law.”

Mission: FINCEN is primarily responsible for supporting law enforcement investigative efforts, fostering interagency and global cooperation against domestic and international financial crimes, and providing U.S. policy makers with strategic analyses of domestic and worldwide trends and patterns.

Purpose: In response to OMB and Treasury guidelines on section 515, this document describes the procedures FINCEN will employ to ensure the quality of its information products, including utility, objectivity, integrity, transparency, and reproducibility. These FINCEN procedures are based on, and **must be used in conjunction with, both the Treasury and OMB guidelines** (Chapter 14 of the Treasury Information Technology Manual and OMB guidelines published in the Federal Register on September 28, 2001, January 2, 2002, and February 22, 2002).

Scope: In accordance with OMB guidance, these procedures will become effective on October 1, 2002. These procedures will cover information disseminated on or after October 1, 2002, regardless of when the information was first disseminated.

The guidelines apply to information disseminated to the public in any medium including textual, graphic, narrative, numerical, or audiovisual forms. The guidelines apply to information that FinCEN posts on the Internet and to FinCEN sponsored distribution of information – where the agency directs a third party to distribute information or the agency has the authority to review and approve the information before release.

The guidelines do not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections. The guidelines do not apply to Hyperlinks to information that others disseminate. The guidelines do not apply to opinions where the agency’s presentation makes it clear that the material is an opinion or the agency’s views rather than fact. In addition, the guidelines do not apply to information disseminated in the following contexts:

Dissemination of information limited to government employees or agency contractors or grantees.

Intra- or inter-agency use or sharing of government information.

Correspondence with individual persons, press releases, archival records, public filings, subpoenas or adjudicative processes.

Response to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar laws.

Below are the guidelines that FinCEN will use to ensure quality data is disseminated. These procedures are not intended to be, and should not be construed as, legally binding regulations or mandates. They are not legally enforceable and do not create any legal rights or impose any legally binding requirements or obligations on the agency or the public.

UTILITY: Utility involves the usefulness and availability of the information to its intended audience.

FinCEN's information products will be reviewed to ensure that they remain relevant and timely and that they address current information needs. FinCEN will make information products widely available in electronic as well as printed format.

OBJECTIVITY: Objectivity involves a focus on ensuring that information is accurate, reliable, and unbiased and that information products are presented in a clear, complete, and well-documented manner.

All information products will be edited and proofread before release to ensure clarity and coherence. Information products involving estimation and sampling will be prepared using statistically sound procedures.

INTEGRITY: Integrity refers to the security of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification.

FinCEN maintains procedures to protect its information against unauthorized access, including procedures to protect its computer systems. FinCEN is subject to statutory requirements to protect sensitive information it gathers and maintains on individuals. Those requirements are contained in the following documents:

- Privacy Act of 1974
- Computer Security Act of 1987
- Office of Management and Budget (OMB) Circulars A-123, A-127, and A-130
- Government Information Security Reform Act

TRANSPARENCY AND REPRODUCIBILITY: Transparency refers to a clear description of the methods, data sources, assumptions, outcomes, and related information that will allow a data user to understand how an information product was designed and produced. Reproducibility of information refers to the ability, in principle, for a qualified individual to use the documentation of methods, assumptions, and data sources to achieve comparable findings. In practice, opportunities for direct reproducibility are often limited by restrictions on access to confidential information.

Should FinCEN disseminate influential financial information, FinCEN will make the information as transparent as possible so that it can, in principle, be reproducible by qualified individuals. (Influential financial information is information that has a genuinely clear and substantial impact at the national level and on major public and private policy decisions as they relate to Federal financial issues.)

Procedure to Seek Correction of Information Under Section 515

Background

In accordance with Section 515 of Public Law 106-554, FinCEN has developed a procedure to allow affected persons to seek and obtain correction of information FINCEN maintains and disseminates. Overall, OMB does not envision an administrative mechanism that would burden agencies with frivolous claims. Instead, the correction process would serve to address the genuine and valid needs of an agency without disrupting agency processes. In making determinations of whether or not to correct information FinCEN may reject claims made in bad faith or without justification. FinCEN is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved and to explain such practices in the annual fiscal year report to Treasury.

Requests for correction of information must be submitted within a reasonable time from the initial data dissemination. This may vary according to the frequency by which the data are disseminated and will be determined by FINCEN.

To seek a correction of information under Section 515 parties must:

- State that the request for correction of information is submitted under Section 515 of Public Law 106-554.
- Include name, mailing address, telephone number and organizational affiliation, if any. (Optional - fax number and email address). We need this information to respond to the request and contact parties, if required.
- Clearly describe the information you believe is in error and want corrected. Include the name of the report or data product where the information is located, the date of issuance, and a detailed description of the information to be corrected.
- State how the data affected you and how correction would benefit you.
- State specifically why the information should be corrected and, if possible, recommend specifically how it should be corrected. Provide supporting documentary evidence, such as comparable data or research results on the same topic, to help in the review of your request.

Based on a review of the information provided, FINCEN will:

- Determine whether a correction is warranted, and, if so, what action to take. The nature, influence, and timeliness of the information involved, the significance of the correction on the use of the information, and the magnitude of the correction will determine the level of review and any corrective action.
- Respond by letter, e-mail, or fax. The response will explain the findings of the review, and the actions FinCEN will take.
- Respond to request for correction of information within sixty calendar days of receipt. If the request requires more than sixty calendar days to resolve, FinCEN will notify you that more time is required, state the reason why, and include an estimated decision date.

Right to appeal decision

Appeals must be submitted to FinCEN within 45 calendar days of receipt of the denial letter. FinCEN will respond to request for correction of information within 60 calendar days of receipt. If the request requires more than 60 calendar days to resolve, FinCEN will notify you that more time is required, state the reason why, and include an estimated decision date.

An official independent of the initial response will render final judgment of the appeal.

How to submit request Request for correction of information, and request for appeal, of information under Section 515 must be in writing and sent to FINCEN by mail or e-mail at the following address:

Mail: Financial Crimes Enforcement Network
Office of Management
Post Office Box 39
Vienna, Virginia 22183

Email: webmaster@fincen.treas.gov

Privacy Act Statement We are authorized to collect the information you provide under section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554 codified at 44 U.S.C. § 3516). It is needed to process your request and allow us to reply accordingly. You do not have to furnish the information, but failure to do so may prevent your request from being processed. The information you furnish is rarely used for any purpose other than to process and respond to your request. However, we may disclose information you give us (e.g., to Congressional Office, or Department of Justice) if authorized or required by Federal law, such as the Privacy Act.

Reporting requirements: FinCEN will maintain records on complaints beginning October 1, 2002, and retain the statistics necessary for the mandatory annual reports to OMB.