



U.S. OFFICE OF SPECIAL COUNSEL
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October 1, 2002

GUIDELINES FOR ENSURING AND MAXIMIZING THE QUALITY, OBJECTIVITY, UTILITY, AND INTEGRITY OF INFORMATION DISSEMINATED BY THE OFFICE OF SPECIAL COUNSEL (OSC)

I. AUTHORITY

Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554, 114 Stat. 2763), § 515; Office of Management and Budget guidelines, at 66 Federal Register 49718 (September 28, 2001) (Final Guidelines, with Request for Comments); 67 Federal Register 8452 (February 22, 2002); and 67 Federal Register 9797 (March 4, 2002).

II. DEFINITIONS

Terms used in these guidelines are defined by reference to definitions in OMB guidelines as follows:

1. "Quality" includes the utility, objectivity, and integrity of information.
2. "Utility" refers to the usefulness of information not only to OSC, but also to its intended users, including the public.
3. "Objectivity," as applied to both presentation and substance, includes whether disseminated information is accurate, clear, complete, and unbiased, and whether it is presented in a proper context, and with identification of sources (to the extent possible, consistent with confidentiality protections).
4. "Integrity" refers to the security of information (that is, protection of the information from unauthorized access or revision, to ensure that it 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, narrative, or audiovisual forms. It includes information disseminated on the OSC web page, but does not include the provision of hyperlinks to information that others disseminate. The term also does not include opinions, where the agency's

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

6. "Dissemination" means agency-initiated or -sponsored distribution of information to the public (see 5 C.F.R. § 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; responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar law; distribution limited to correspondence with individuals or persons, press releases,¹ archival records, public filings, subpoenas or adjudicative processes.
7. "OMB guidelines" means the "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies" issued by OMB pursuant to § 515 of Public Law No. 106-554.

III. SUMMARY

These OSC guidelines formally incorporate a basic standard of quality (including objectivity, utility, and integrity) into the development and dissemination of information by the agency to the public. They also include: (1) procedures for reviewing the quality of information before it is disseminated, and for periodically reviewing the information after dissemination to ensure its continuing quality; (2) administrative mechanisms by which affected persons may request, and obtain when appropriate, the correction of information maintained and disseminated by OSC if such information does not conform to OMB or agency guidelines; and (3) procedures for annually reporting to OMB the number and nature of complaints received by OSC about its compliance with OMB guidelines, and how such complaints were resolved.

Pre-dissemination review procedures referred to in item (1) above apply to information first disseminated by OSC on or after October 1, 2002. Administrative correction mechanisms referred to in item (2) above apply to information disseminated by OSC on or after October 1, 2002, regardless of when OSC first disseminated the information.

¹ Apart from the general exclusion of press releases from coverage under OMB's guidelines, OSC press releases usually announce agency policy initiatives, as well as settlements, resolutions of cases filed with the Merit Systems Protection Board, and other outcomes of matters investigated or litigated by OSC. Information about basic agency operations, and findings and determinations made in the course of adjudications involving specific parties – are not covered disseminations of information under the OMB guidelines.

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Information disseminated to the public by OSC will protect information from or about complainants in prohibited personnel practice matters pursuant to 5 U.S.C. § 1212(g); it will also protect information about subjects, witnesses or others, as required or permitted under the Freedom of Information Act, the Privacy Act, and any other applicable law or regulation. OSC does not develop or disseminate specific categories of information cited by OMB that may require higher and more specific quality standards (e.g., scientific, financial or statistical information, and reports prepared by non-governmental entities).

IV. QUALITY STANDARDS, ADMINISTRATIVE REVIEW PROCEDURES, AND ADMINISTRATIVE CORRECTION MECHANISMS

A. Quality Standards

1. *Information should adhere to a basic standard of quality.*

The quality (including the objectivity, utility, and integrity) of information to be disseminated by OSC to the public should be an integral component in every phase of the development of such information.

2. *Information should be objective in substance and presentation.*

Accurate, reliable, and unbiased information should be presented in an accurate, clear, complete, unbiased manner, in a proper context, and with identification of sources (to the extent possible, consistent with confidentiality protections). To ensure that the information is objective, it should relate to issues within OSC's jurisdiction, and be based on laws and regulations enforced by the agency or governing its operations, and on its experience in enforcing those laws and regulations.

3. *Information should be responsive to its intended users.*

Information should meet the needs of its intended users, including the public, with due regard for the costs and benefits involved. The needs of intended users will be determined by OSC, in part, through feedback or frequently asked questions at agency outreach activities, and comments received on the agency web site. At a minimum, information developed and disseminated by OSC should, whenever possible, be written in plain, understandable language.

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4. The integrity of information should be protected.

Protecting public information on OSC's web site from unauthorized access or revision is the responsibility of the agency's Information Systems Branch (ISB). In carrying out that responsibility, ISB will: (a) implement applicable new software patches and security guidelines as recommended by the web site developer and by federal agencies responsible for guidance on information security issues; (b) routinely monitor web server event logs to identify potential breaches of security; and (c) maintain backups of web site and web server content, to permit OSC to promptly restore the site if its security is threatened or the system fails due to hardware or software error.

B. Administrative Review Procedures

The head of the program unit developing information for dissemination to the public is responsible for reviewing its content, and for periodic review of the information to ensure that it is updated to reflect changes in laws and regulations, and recent court decisions. After review by the head of the program unit, such information will be reviewed before dissemination to the public by the Deputy Special Counsel, the Special Counsel, or a designated representative.

C. Administrative Correction Mechanisms

Affected persons outside OSC (current and former federal government employees, applicants for federal employment, employee representatives, and state and local government employees – that is, people who may use, benefit, or be harmed by the information in question – who believe that information disseminated by OSC does not comply with OMB guidelines or these agency guidelines may contact OSC to request a correction of the information. Such persons ("requesters") should write to the Deputy Special Counsel, Office of Special Counsel, 1730 M Street, N.W. (Suite 201), Washington, DC 20036-4505. The Deputy Special Counsel will refer the request for response to the program unit responsible for development or maintenance of the information. Initial requests should include all relevant information available to the requester, and a clear statement of the alleged conflict with OMB or OSC guidelines. OSC will reject requests made in bad faith or without justification.

OSC will respond to the requester in writing. If the request requires more than 60 calendar days to resolve, OSC will inform the requester that more time is required, indicate the reason why, and provide an estimated decision date. The program unit to which the request has been referred will respond by letter, informing the requester whether OSC believes a

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correction is appropriate given the nature and timeliness of the information involved, and if so, will provide any corrected information.

If the OSC response is not acceptable to the requester, he or she may appeal the initial decision. The requester must send an appeal within 30 calendar days of the date of OSC's response. It should be addressed to the Deputy Special Counsel (at the address shown in the first paragraph of this section), and must state the reason(s) why the initial decision was not acceptable. If OSC believes that other agencies may have an interest in the resolution of an appeal, it will consult with those agencies about their possible interest before completing its review of the appeal.

OSC will respond to all appeals within 60 calendar days of receipt. If the appeal requires more than 60 calendar days to resolve, OSC will inform the requester that more time is required, indicate the reason why, and provide an estimated decision date. The Deputy Special Counsel will respond by letter informing the requester whether the appeal is granted (that is, the letter will state whether a correction is appropriate given the nature and timeliness of the information involved, and if so, will provide any corrected information).

D. Reporting Procedures

OSC will send an annual report to OMB describing the number and type of complaints received about OSC's compliance with OMB guidelines, and how such complaints were resolved. OSC will submit its initial report by January 1, 2004.

E. Conclusion

The Deputy Special Counsel shall be responsible for ensuring agency compliance with OMB guidelines. OSC's guidelines are not intended to create any right or benefit, substantive or procedural, enforceable in any court by a party against OSC, the federal government, or any individual, beyond any that may be established by § 515 of Public Law No. 106-554 or by implementing OMB guidelines. In particular, these agency guidelines do not impose any additional requirements on OSC during adjudicative proceedings and do not provide parties to such proceedings any additional rights of challenge or appeal.