

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter provides procedures regarding requests for correction of information disseminated by Indian Affairs (IA), including an explanation of how a person may file a request and, if necessary, pursue an administrative appeal of the response to the request for correction.
- 1.2 Scope.** This policy applies to all functions under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) (collectively, "Indian Affairs (IA)"). This policy applies to all information disseminated by IA, including information that IA receives from tribal governments or tribal organizations operating IA programs under grants, contracts or compacts (including but not limited to those authorized by the Indian Self Determination and Education Assistance Act, as amended (25 U.S.C. §§450 *et seq.*)) and thereafter disseminates.
- 1.3 Policy.** IA is committed to meeting OMB requirements for offering affected persons the opportunity to seek correction of disseminated information that those individuals believe does not meet Information Quality (IQ) standards and providing procedures to review and correct disseminated information if a deficiency is found. This chapter establishes a system for receiving, tracking and responding to requests for correction, publishing the process for the public to seek correction on the Web site, reporting to the Department's Chief Information Officer on the number and resolution of requests for correction and appeals.
- A. Process for Public to Seek Correction.** A request for correction of disseminated information must contain the following information:
1. Specific reference to the information challenged, including the title of the document in which the information is contained, where the information is located (Web site and Web page address, publication date and publication number), and the name of the project and state in which the project is occurring/has occurred;
 2. A written statement that the person is seeking correction of information disseminated by IA and the specific reasons for believing the information to be in error, along with any supporting documentation;
 3. All known information to allow the IA Office of the Chief Information Officer (OCIO) to properly route the request for correction, including identification of the appropriate IA office that disseminated the information believed to be in error; the title of the document in which the information is contained, the name of the project and state in which the project is occurring/has occurred;
 4. Name, mailing address, telephone number, and organizational affiliation, if any, of the individual making the request for correction. Organizations submitting a request for correction should identify an individual point of contact to serve as the primary contact with IA. This information is used for the purpose of responding to the request initiated by the individual; and

5. Recommendations for corrective action, if any.

B. IA's Review of Requests for Correction.

1. Upon receiving a request for correction, IA will have 10 business days to notify the requestor of having received the request. IA will then notify and route the request to the respective AS-IA Office Director, Deputy Bureau Director, or Regional Director that disseminated the information, and track the response to assure that the response complies with established procedures.
2. The appropriate AS-IA Office Director, Deputy Bureau Director, or Regional Director will then have 60 calendar days from receipt to evaluate whether the request for correction is substantiated by analysis of all information available to the appropriate program or office.
 - a. If IA determines that the request for correction is without merit, IA will notify the requestor and provide the basis for the decision.
 - b. If IA determines that the request for correction has merit, IA will notify the requestor and the appropriate IA program or office, and take reasonable steps to withdraw the information from the public domain and from any decision making process for which it is being used. If IA decides to correct challenged information, it will notify the requestor of its intent and the corrective steps it proposes. IA may determine the schedule and procedure for correcting challenged information, but may not further disseminate the challenged information in any form until it has been corrected. Upon determining corrected information, IA will provide the requestor with a copy of the corrected information.

C. Process for Addressing Duplicate Requests for Correction.

1. If a second identical or very similar request for correction is received before the end of the 60-day resolution period, the second request will be resolved on the same schedule as the first request. Within 10 business days, IA will notify the requestor of receipt of the request for correction, the fact that an identical request has also been received and the status of the resolution process on the first request.
2. If an identical or very similar request for correction is received after the close of the 60-day resolution period, within 10 business days IA will notify the requestor of receipt of the request for correction, the fact that an identical request has been received and resolved, and, if applicable, provide a copy of the corrected information.

D. Process for Public to Appeal the Determination of Merit. If a person who has submitted a request for correction and received a determination on that request wishes

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to appeal the determination of merit or the proposed correction of information, that person may appeal to the Assistant Secretary – Indian Affairs. If the Assistant Secretary determines that an appeal of a determination of merit or the proposed correction of information has merit, the affected office will be notified, and the challenged information will be withdrawn from the public domain and will not be used in any decision making process until IA successfully resolves the appeal.

- E. Information Subject to Public Review and Comment.** IA conducts some business through processes which involve a structured opportunity for public review and comment on proposed documents prior to their issue in final form. Requests made under the process in this chapter for corrections of information in draft documents will be treated as a comment on the draft document and the response will be addressed in the final document. IA may consider and respond to the request prior to the final action or information dissemination if: (1) it has determined that an earlier response would not unduly delay issuance of the action or information product; and (2) the complainant has shown a reasonable likelihood of suffering actual harm from the dissemination if IA does not resolve the request for correction prior to the final action or information product.
- F. Reporting.** IA will submit a report for each fiscal year not later than November 30 to the Department's Chief Information Officer. The report will state the number and nature of requests for correction received and how the requests for correction were resolved and the number of appeals to the Assistant Secretary and how the appeals were resolved.
- G. Information Quality Web Site.** IA will make available on the IA Web site the process for the public to request a correction of information and appeal a determination of merit on a request for correction. The Web site will include the addresses of the locations to which information quality requests for correction and appeals should be delivered.
- 1.4 Authority.**
- A. DOI Information Quality Guidelines** establish policy to ensure and maximize the objectivity, utility, and integrity of information disseminated to the public by the Department. These guidelines implement the Information Quality Act (P.L. 106-554 Section 515) and associated OMB Guidelines (67 FR 8452-8460).
- B. Executive Order 12866** establishes a government-wide policy that each agency shall base its regulatory decisions on the best reasonably obtainable scientific, technical, economic and other information.
- C. The Federal Records Act (44 U.S.C. 3101)** requires the head of each federal agency to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency. The records should be designed to furnish the information necessary to

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protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

- D. The Public Information section of the **Administrative Procedure Act (5 U.S.C. 552)** requires that the following information be made available to the public: descriptions of the organization; where and how information and decisions can be secured; what and how functions are performed; what requirements must be met to get benefits or service; and what procedures must be followed.
- E. Provisions of the **Federal Information Resources Management regulations (41 CFR 201)** and **Departmental Manual 381 DM 1** require that IA provide proper documentation of its organization, functions, policies, and procedures.
- F. **Section 508 of the Rehabilitation Act (29 U.S.C. 794d)** requires Federal agencies' electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

1.5 Responsibilities.

- A. **Assistant Secretary – Indian Affairs** is responsible for deciding any appeals of decisions in information quality requests for correction and coordinating with the OCIO to ensure a timely response.
- B. **The Office of the Chief Information Officer (OCIO)** is responsible for serving as the central point of contact for the public to submit an information quality request for correction; directing each request to the appropriate AS-IA Office Director, Deputy Bureau Director, or Regional Director; ensuring that requests are resolved in a timely manner; submitting required reports to the Department's Chief Information Officer; and publishing the processes for the public to submit an information quality request for correction and appeal on the Web site.
- C. **AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors** are responsible for ensuring that their staffs respond appropriately and in a timely manner upon receipt of an information quality request for correction; providing the OCIO with the information necessary to fulfill reporting requirements; and providing the OCIO with any additional information requested for Web site publication.

1.6 Definitions. The definitions stated in 10 IAM 1 are incorporated herein by reference.