

# INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

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| DOCUMENT IDENTIFICATION NUMBER<br>10 IAM 1 - 6                               | SUBJECT<br>Information Quality | RELEASE NUMBER<br># 08-55  |
| FOR FURTHER INFORMATION<br>Office of the Chief Information<br>Officer (OCIO) |                                | DATE<br><b>JUL 21 2009</b> |

## EXPLANATION OF MATERIAL TRANSMITTED:

These Indian Affairs Manual (IAM) chapters implement the Information Quality Act (P.L. 106-554, Section 515) and the associated OMB Guidelines (67 FR 8452-8460) and Peer Review Bulletin (70 FR 2664).

**Chapter 1: Information Quality – Overview** provides a general overview of Indian Affairs (IA) policy and guidance for ensuring and maximizing the quality (including the objectivity, utility, and integrity) of information disseminated by IA.

**Chapter 2: Information Quality – Guidelines** establishes the policy for reviewing and substantiating the quality of information IA disseminates. This chapter also provides that IA will keep the public informed by publishing timely information about information quality on a designated information quality Web site.

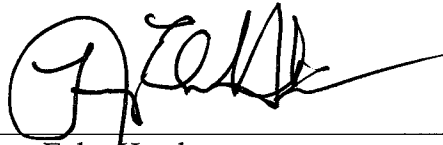
**Chapter 3: Scientific Integrity** establishes policy for IA to ensure scientific integrity in the conduct of scientific activities. IA personnel who conduct scientific activities shall be held accountable for the integrity of the information they collect and analyze, and the conclusions they present, and shall understand their obligation to abide by 10 IAM 4 (Scientific Conduct) and by the Federal Policy on Research Misconduct. IA personnel will also ensure that the scholarly and scientific information IA uses has received the appropriate level of internal and/or peer review.

**Chapter 4: Scientific Conduct** establishes the IA code of scientific conduct.

**Chapter 5: Peer Review** establishes IA policy regarding peer review of influential scientific information: IA will ensure appropriate peer review of all influential scientific information prior to use in decision-making, regulatory processes, or dissemination to the public; it will publish on its Web site and update every six months an agenda for peer review of any influential scientific information that it plans to disseminate and the peer review plan for each such agenda item; and it will report annually to the Department Chief Information Officer the number of peer reviews conducted, as well as additional information required by the OMB Peer Review Bulletin.

**Chapter 6: Information Quality – Requests for Correction and Appeals** establishes a process for persons to seek correction of disseminated information and provides procedures to review and correct disseminated information. The chapter includes procedures for receiving,

tracking, and responding to requests for correction; reporting to the DOI Chief Information Officer on the number and resolution of requests for correction and appeals; and posting information on how to file a request for correction or pursue an administrative appeal on the Indian Affairs Web site.



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Larry Echo Hawk  
Assistant Secretary – Indian Affairs

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**FILING INSTRUCTIONS:**

Remove: None

Insert: 10 IAM 1 - 6 (New)

# INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter provides a general overview of Indian Affairs (IA) policy and guidance for ensuring and maximizing the quality (including the objectivity, utility, and integrity) of information disseminated by IA.
- 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.** All information disseminated by IA must comply with basic standards of quality to ensure and maximize its objectivity, utility, and integrity. IA will ensure that information disseminated is developed from reliable methods and data sources and will ensure information quality at each stage of information development. Subsequent chapters of the IA Manual address Quality of Disseminated Information, Scientific Integrity, Scientific Conduct, Peer Review, and Requests for Correction and Administrative Appeals.
- 1.4 Limited Dissemination of Information.** Information generated, compiled, or used by IA for the purpose of fulfilling fiduciary trust responsibilities to individual Indians and Indian tribes is for the internal use of IA and provided solely to the trust beneficiary.
- 1.5 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 of the Interior (“Department”). These guidelines implement the **Information Quality Act (P.L. 106-554 Section 515)** and associated **OMB Guidelines (67 FR 8452-8460)**.
  - B. 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 protect the legal and financial rights of the Government and of persons directly affected by the agency’s activities.
  - C. 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.

- D. 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.
- E. **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.

**1.6 Responsibilities.**

- A. **Assistant Secretary – Indian Affairs** is responsible for deciding any appeals of decisions in information quality requests for correction and coordinating with the Office of Chief Information Officer (OCIO) to ensure a timely response.
- B. **The Office of the Chief Information Officer (OCIO)** is responsible for coordinating the required reports, publication of information on the Web site, and responses to requests for correction and appeals under this Part.
- C. **AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors** are responsible for ensuring that their staffs comply with the policies and procedures in this Part to ensure that information meets information quality standards, provide information to the OCIO for required reports and Web site publications, and address the substance of requests for correction.

**1.7 Definitions.**

- A. **Dissemination.** Publication (electronic or written) of information to a community or audience. Publication of information listed in 10 IAM 2, Section 1.6 is not dissemination.
- B. **Indian Affairs (IA).** Includes the Offices of the AS-IA, the BIE, and the BIA. The organization and functions of the components of IA are described in 110 DM 8, 130 DM 1, 130 DM 2, 130 DM 8 and 130 DM 9.
- C. **Information.** Any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual. This definition includes information that an agency disseminates from a web page.
- D. **Integrity.** Refers to the security of information—protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification.
- E. **Proper Documentation.** Identifying what information needs to be created or received to provide documented evidence of carrying out official responsibilities; managing the organization; and meeting the Department's legal responsibilities.
- F. **Objectivity.** The determination that disseminated information is presented accurately, clearly, and completely, and in an unbiased manner. Objectivity involves two distinct elements: presentation and substance.

- G. Quality.** An encompassing term that includes utility, objectivity, and integrity. The guidelines refer to the four statutory terms collectively as "quality."
- H. Reproducibility.** The determination that information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. For information judged to have more important impacts, the degree of imprecision that is tolerated is reduced. If IA applies the reproducibility test to specific types of original or supporting data, the associated guidelines will 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 demonstrate whether similar analytic results, subject to an acceptable degree of imprecision or error, could be generated.
- I. Utility.** The usefulness of the information to its intended users, including the public. In assessing the usefulness of information that IA disseminates to the public, IA needs to consider the uses of the information not only from an IA perspective, but also from the perspective of the public. When transparency of information is relevant for assessing the information's usefulness from the public's perspective, IA must take care to address that transparency in the review of information.

- 1.1 Purpose.** This chapter establishes the policy for reviewing and substantiating the quality (including the objectivity, utility, and integrity) of information (including statistical information) Indian Affairs (IA) disseminates. See 10 IAM 6 for policy on addressing public requests for correction and reporting requirements of the requests received.
- 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 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.

This policy is intended only to improve the internal management of IA relating to information quality. Nothing herein is intended to create any right or benefit, substantive or procedural, enforceable by law or equity by a party against the United States, its agencies, its offices, or any other person. This policy does not provide any right to judicial review.

**1.3 Policy.**

**A. Standards of Quality.** All information disseminated by IA must comply with basic standards of quality to ensure and maximize its objectivity, utility, and integrity. IA will:

- Ensure information quality at each stage of information development;
- Develop information only from reliable data sources based on accepted practices and policies, using accepted methods for information collection and verification;
- Make IA’s methods for producing information transparent, to the maximum extent practicable, through accurate documentation, use of appropriate internal and external review procedures, consultation with experts and users, and verification of its quality;
- Ensure that methods for producing information are reproducible to the extent possible; and
- Inform the public about corrections and revisions.

**B. Application of Information Quality Standards to Consultants and Contractors.**

IA acquires much of the scientific information it disseminates through scientific activities conducted by personnel in consultation with and under contract to IA (including tribal contracts, compacts or grants). In instances in which IA personnel have developed the disseminated information, that information will be developed under scientific standards that ensure its quality. IA will also apply its information quality standards to parties who are developing scientific and technical information on its behalf.

- C. Internal Review.** To the greatest extent practicable and appropriate, information is internally reviewed for quality (objectivity, utility and integrity) before it is disseminated. The level of internal quality review applied in any particular case depends on the nature, scope and purpose of the information to be disseminated and the proposed/potential audience. Information intended as the basis for more complicated budgeting decisions or legislative reporting purposes may be subject to additional levels of internal review, clarification, or approval.
- D. Dissemination of Information.** The decision to make information publicly available does not override other compelling interests such as privacy, trade secrets, intellectual property rights, the federal Indian trust responsibility, and other confidentiality protections established by law.
- E. Application and Documentation of Information Quality Checks.** In situations where the public will not be provided full access to the data or methodology, IA shall still apply and document information quality checks.
- F. Information Quality Web Site.** IA will keep the public informed by publishing timely information about information quality on a designated information quality Web site. The purpose of the information quality site is to inform the public about IA's information quality practices and procedures. The information quality site will include IA's information quality guidelines and, under 10 IAM 6, procedures regarding both requests for correction and administrative appeals of responses to requests for correction. The information quality site may contain other types of information which will be determined based on mission, activities subject to the guidelines, and the expected level of interest by the public.

#### 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 of the Interior ("Department"). These guidelines implement the **Information Quality Act (P.L. 106-554 Section 515)** and associated Office of Management and Budget (**OMB Guidelines (67 FR 8452-8460)**).
- B. 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 protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.
- C.** 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.

- D.** 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.
- E.** **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 Information Specifically Not Subject to These Guidelines for Quality of Disseminated Information.**

- A. Internet Hyperlinks and Referenced Information.** Internet hyperlinks and references to information disseminated by others.
- B. Opinions.** Opinions where IA's presentation makes it clear that what is being offered is someone's opinion rather than fact or Indian Affairs' views.
- C. Press Releases.** Press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement, or give public notice of information IA has disseminated elsewhere.
- D. Public Filings.** Information in public filings (such as public comments received by Indian Affairs in rulemaking proceedings or on a National Environmental Policy Act document), except where IA distributes information submitted by a third party in a manner that suggests that IA endorses or adopts the information, or indicates in its distribution that it is using or proposing to use the information to formulate or support a regulation, guidance, or other IA decision or position.
- E. Research Findings.** Dissemination of information by an agency employee or contractor (including tribes acting under contracts, compacts, or grants) through publication or communication in the same manner as their academic colleagues, as long as the publication or communication does not imply official agency endorsement of the views or findings.
- F. Testimony and Other Submissions to Congress.** Information presented or submitted to Congress which is simultaneously disseminated or previously disseminated to the public.
- G. Inadvertent or Unauthorized Disclosure of Information Intended Only for Inter-agency and Intra-agency Use or Communication.** Documents in working form that are generated in day-to-day internal conduct of IA and other government business.
- H. Correspondence with Individuals.** An exchange of information between two individuals is not considered to be dissemination.



- I. Records Covered by Other Laws.** Responses to requests for IA records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or similar laws.
- J. Archived Records and Information Disseminated Prior to the Effective Date of This Policy.** Archived records of information disseminated and subsequently archived are exempt from the Guidelines.
- K. Subpoenas.**
- L. Adjudicative processes.** Information intended to be limited to adjudicative processes, 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 related to any formal or informal administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.
- M. Solicitations.** Solicitations such as program announcements and requests for proposals.

**1.6 Responsibilities.**

**A. The Office of the Chief Information Officer (OCIO)** is responsible for coordinating with AS-IA Office Directors, Deputy Bureau Directors, and Regional Directors to collect information for publication on the Web site and for publishing the information quality guidelines and other information required under this chapter on the Web site.

**B. AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors** are responsible for ensuring that information meets standards of quality and receives the appropriate level of internal review for quality, prior to dissemination. AS-IA Office Directors, Deputy Bureau Directors, and Regional Directors are also responsible for determining when compelling interests exist to justify not disseminating information, for ensuring that their staffs apply and document information quality checks, and ensuring that their staffs provide relevant information to the OCIO for publication on the Web site.

**1.7 Related Guidance.** The OMB Guidelines and DOI Information Quality Guidelines are incorporated herein by reference. IA definitions of information quality are consistent with OMB and Department guidelines.

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

- 1.1 Purpose.** This chapter establishes policy for ensuring scientific integrity in the conduct of scientific activities.
- 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.**
- A. Preservation of Scientific Integrity.** IA is dedicated to preserving the integrity of scientific activities conducted by its personnel and contractors (including tribes acting under contracts, compacts, or grants). IA personnel who conduct scientific activities shall be held accountable for the integrity of the information they collect and analyze, and the conclusions they present, and shall understand their obligation to abide by 10 IAM 4 (Scientific Conduct) and by the Federal Policy on Research Misconduct, 65 FR 76260 (December 6, 2000). IA will take appropriate action to protect the public from the effects of inaccurate or misleading scientific information disseminated by IA, and from violations of the Federal Policy on Research Misconduct.
- B. Third Party Scientific Information.** If IA relies upon technical or scientific information submitted or developed by a third party, that information is subject to the appropriate standards of objectivity, utility, and scientific integrity. In instances where the information is relied upon but is not verifiable, the source must be made transparent to the public, and such original information will not be subject to Information Quality Guidelines.
- C. Transparency.** Scientific information shall have a high degree of transparency regarding: (1) the source of the data used; (2) the various assumptions employed; (3) the scientific methods applied; and (4) the statistical procedures employed. If access to data and methods cannot occur due to compelling interests such as privacy, trade secrets, intellectual property, the federal Indian trust responsibility, or other confidentiality protections, to the extent practicable, IA will verify the integrity of the information and document that verification steps were taken.
- D. Internal Review and Peer Review.** IA shall ensure appropriate internal and/or peer review of all scientific and scholarly information prior to use in decision-making, regulatory processes, or dissemination to the public, regardless of media (i.e., print, digital, audiovisual, or Web). Any information IA determines to be either “influential scientific information” and/or “highly influential scientific assessment” will require

more specific, independent peer review consistent with the OMB Peer Review Bulletin, 70 FR 2664 (January 14, 2005).

#### 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. **305 DM 2 - Departmental Science Efforts, Research and Development Council** ([http://elips.doi.gov/app\\_dm/act\\_getfiles.cfm?relnum=3753](http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3753)) requires that science must be integrated into and used in setting regulatory and management policies in the Department and its bureaus.
- D. **OMB Final Information Quality Bulletin for Peer Review (70 FR 2664-2677)** establishes government-wide requirements for the peer review of “influential scientific information” and “highly influential scientific assessments.” It also establishes requirements for publishing peer review plans on a Web site and annual reporting of associated peer review activities to the OMB.
- E. **Federal Policy on Research Misconduct, Office of Science and Technology Policy, Executive Office of the President (65 FR 76260-76264 (December 6, 2000))** ([http://www.ostp.gov/html/001207\\_3.html](http://www.ostp.gov/html/001207_3.html))
- F. **Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635)** ([http://www.usoge.gov/pages/laws\\_regs\\_fedreg\\_stats/oge\\_regs/5cfr2635.html](http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html))
- G. **370 DM 752 - Departmental Personnel Program, Discipline and Adverse Actions** ([http://elips.doi.gov/app\\_DM/act\\_getfiles.cfm?relnum=3705](http://elips.doi.gov/app_DM/act_getfiles.cfm?relnum=3705)) establishes the policy and procedures for administering employee discipline within the Department, and requires that Department employees are expected to demonstrate high standards of integrity.

1.5 **Responsibilities. AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors** are responsible for ensuring that their staffs implement and are accountable to scientific integrity policies and procedures.

#### 1.6 Definitions.

- A. The definitions stated in 10 IAM 1 are incorporated herein by reference.

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Scientific Integrity

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- B. Highly influential scientific assessment.** A scientific assessment that: (i) could have a potential impact of more than \$500 million in any year; or (ii) is novel, controversial, precedent-setting, or has significant interagency interest.
- C. Influential.** When used in the phrase “influential scientific information,” means that IA can reasonably determine that dissemination of the information will or does have a clear and substantial impact on important public policies or private sector decisions.
- D. Scientific assessment.** Evaluation of a body of scientific or technical knowledge which typically synthesizes multiple factual inputs, data, models, assumptions, and/or implies best professional judgment to bridge uncertainties in the available information.
- E. Scientific method.** A method of research in which a problem is identified, relevant data are gathered, a hypothesis is formulated from these data, and the hypothesis is empirically tested.

# INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter establishes the Indian Affairs (IA) code of scientific conduct.
- 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.** To enhance the quality (including the objectivity, utility, and integrity) of scientific activities, all IA employees working with scientific information will, in performing their duties:
- A.** Act in the interest of the advancement of science and contribute the best, highest quality scientific information for IA.
  - B.** Conduct, process data from, and communicate the results of scientific activities honestly, objectively, and thoroughly.
  - C.** Report, thoroughly and accurately, all scientific work, except to the extent that the scientific work contains information falling under section 1.6 Exemptions, or there are compelling interests such as privacy, trade secrets, intellectual property, federal Indian trust responsibility or other confidentiality protections.
  - D.** Disclose fully all research methods used, available data, final reports, and publications consistent with applicable laws and policy.
  - E.** Respect, to the fullest extent permitted by law, confidential and proprietary information provided by communities, tribes, and individuals whose interests and resources are studied or affected by scientific activities or the resulting information.
  - F.** Maintain scientific integrity and not engage in fabrication, falsification, or plagiarism in proposing, performing or reviewing scientific activities and their scientific products.
  - G.** Participate in appropriate peer reviews and substantiate comments made as part of such reviews.
  - H.** Be diligent in creating, using, preserving, documenting, and maintaining collections and data.
  - I.** Adhere to established quality assurance and quality control programs.
  - J.** Follow the Department’s records retention policies and comply with federal laws and agreements related to use, security, and release of confidential and proprietary data.

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- K.** Adhere to appropriate standards for reporting the results of scientific activities and respect the intellectual property rights of others.
- L.** Differentiate among facts, opinions, hypotheses, and professional judgment, to every extent possible and practical, in reporting the results of scientific activities to others, including scientists, tribes, decision makers, and the public.
- M.** Be responsible for the quality of any data collected or interpretations made, and for the integrity of conclusions drawn in the course of scientific activities.
- N.** Place quality and objectivity of scientific activities and reporting of their results ahead of personal gain or allegiance to individuals or organizations.

## 1.4 Authority.

- A.** **5 U.S.C. 301** allows the head of an executive department to prescribe regulations for the conduct of its employees.
- B.** **43 CFR 20.501** requires employees of the Department of Interior to comply with all Federal statutes; Executive Orders; and Office of Government Ethics, Office of Personnel Management, and Departmental regulations.
- C.** **43 CFR 20.502** states that employees are required to carry out the announced policies and programs of the Department; and states that an employee is subject to appropriate disciplinary action if he or she fails to comply with any lawful regulations, orders, or policies.
- D. Federal Policy on Research Misconduct, Office of Science and Technology Policy, Executive Office of the President.** References include:
  - 1. Federal Policy on Research Misconduct, 65 Federal Register (FR) 76260-76264, December 6, 2000 ([http://www.ostp.gov/html/001207\\_3.html](http://www.ostp.gov/html/001207_3.html))
  - 2. Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR 2635 ([http://www.usoge.gov/pages/laws\\_regs\\_fedreg\\_stats/oge\\_regs/5cfr2635.html](http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html))
  - 3. 370 DM 752, Departmental Manual chapter on Discipline and Adverse Actions ([http://elips.doi.gov/app\\_DM/act\\_getfiles.cfm?relnum=3705](http://elips.doi.gov/app_DM/act_getfiles.cfm?relnum=3705))
- E. 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).

## 1.5 Responsibilities. AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors are responsible for ensuring that their staffs comply

with this code of scientific conduct in the performance of their duties involving scientific information.

### 1.6 Exemptions.

- A. Internet Hyperlinks and Referenced Information.** Internet hyperlinks and references to information disseminated by others.
- B. Opinions.** Opinions where Indian Affairs' presentation makes it clear that what is being offered is someone's opinion rather than fact or Indian Affairs' views.
- C. Press Releases.** Press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement, or give public notice of information Indian Affairs has disseminated elsewhere.
- D. Public Filings.** Information in public filings (such as public comments received by Indian Affairs in rulemaking proceedings or on a National Environmental Policy Act document), except where Indian Affairs distributes information submitted by a third party in a manner that suggests that Indian Affairs endorses or adopts the information, or indicates in its distribution that it is using or proposing to use the information to formulate or support a regulation, guidance, or other Indian Affairs decision or position.
- E. Research Findings.** Dissemination of information by an agency employee or contractor (including tribes acting under contracts, compacts, or grants) through publication or communication in the same manner as their academic colleagues, as long as the publication or communication does not imply official agency endorsement of the views or findings.
- F. Testimony and Other Submissions to Congress.** Information presented or submitted to Congress which is simultaneously disseminated or previously disseminated to the public.
- G. Inadvertent or Unauthorized Disclosure of Information Intended Only for Inter-agency and Intra-agency Use or Communication.** Documents in working form that are generated in day-to-day internal conduct of Indian Affairs and other Government business.
- H. Correspondence with Individuals.** An exchange of information between two individuals is not considered to be a dissemination.
- I. Records Covered by Other Laws.** Responses to requests for Indian Affairs records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or similar laws.
- J. Archived Records and Information Disseminated Prior to the Effective Date of This Policy.** Archived records of information disseminated and subsequently archived are exempt from the Guidelines.
- K. Subpoenas.**

- L. Adjudicative processes.** Information intended to be limited to adjudicative processes, 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 related to any formal or informal administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.
- M. Solicitations.** Solicitations such as program announcements and requests for proposals.

### 1.7 Definitions.

- A.** The definitions stated in 10 IAM 1 are incorporated herein by reference.
- B. Scientific product.** The results of scientific activities including the synthesis, compilation, or translation of scientific information into formats used in the Department's decision making process.



- 1.1 Purpose.** This chapter establishes Indian Affairs (IA) policy regarding peer review of influential scientific information.
- 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.**
- A. Compliance with Peer Review Requirements.** IA shall ensure appropriate peer review of all influential scientific information prior to use in decision-making, regulatory processes, or dissemination to the public, regardless of media (i.e., print, digital, audiovisual, or Web). For both “influential scientific information” and “highly influential scientific information,” IA will comply with the more specific, independent peer review requirements established by the OMB Peer Review Bulletin. IA will also comply with requirements for making its peer review agenda and plans publicly available and for reporting annually. IA may waive or defer some or all of the peer review requirements where warranted by a compelling rationale.
  - B. Publication of Peer Review Agenda and Plans.** IA will publish on its Web site and update every six months an agenda for peer review of any influential scientific information that IA plans to disseminate in the foreseeable future and the peer review plan for each such agenda item.
  - C. Reporting.** IA will report annually to the Department’s Chief Information Officer the number of peer reviews conducted, as well as additional information required by the OMB Peer Review Bulletin.
- 1.4 Authority.**
- A. 305 DM 2** requires that science must be integrated into and used in setting regulatory and management policies in the Department and its bureaus.
  - B. 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).

- C. **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.
- D. **OMB Final Information Quality Bulletin for Peer Review (70 FR 2664-2677)** establishes government-wide requirements for the peer review of “influential scientific information” and “highly influential scientific assessments.” It also establishes requirements for publishing peer review plans on a Web site and annual reporting of associated peer review activities to the OMB.

### 1.5 Responsibilities.

- A. **The Office of the Chief Information Officer (OCIO)** is responsible for collecting applicable information from AS-IA Office Directors, Deputy Bureau Directors, and Regional Directors, establishing and maintaining the peer review Web site and submitting annual reports on peer review to the Department’s Chief Information Officer.
- B. **AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors** are responsible for ensuring that their staffs implement this peer review policy. AS-IA Office Directors, Deputy Bureau Directors, and Regional Directors are responsible for determining whether or not an activity requires peer review and, for an activity that does require peer review, shall designate a peer review manager to oversee implementation of these guidelines with respect to the specific activity. AS-IA Office Directors, Deputy Bureau Directors, and Regional Directors are also responsible for providing the OCIO with their peer review agendas, updates, and other information for Web site publication and annual reports.
- C. **Peer Review Managers** are responsible for:
1. Determining what level of peer review is required;
  2. Overseeing the conduct of the formal peer review using appropriate guidance;
  3. Providing review findings to authors;
  4. Ensuring that the authors address comments adequately and fairly;
  5. Ensuring that proper records are kept; and
  6. Overseeing independent entities or contractors (including tribes acting under contracts, compacts, or grants) commissioned to conduct or manage the peer review process.

- 1.6 **Related Guidance.** The Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review (70 FR 2664-2677) is incorporated here, by reference.

**1.7 Definitions.**

- A.** The definitions stated in 10 IAM 1 are incorporated herein by reference.
- B. Highly Influential Scientific Assessment.** A scientific assessment that: (i) could have a potential impact of more than \$500 million in any year, or (ii) is novel, controversial, precedent-setting, or has significant interagency interest.
- C Influential Scientific Information.** Scientific information that IA can reasonably determine that dissemination of the information could have a clear and substantial impact on important public policy or management decisions or private sector decisions.
- D. Peer Review.** The critical evaluation of the scientific or scholarly merits of an activity conducted by impartial subject-matter experts who are not directly associated with the activity. Peer review may be formal or informal. It may involve open exchange of views and ideas between reviewers and managers of the activities being reviewed during the process of the review, or it may consist of reviewers conducting their observations and writing their reports without any contact with those managers. No matter how it is conducted, it must be objective to achieve its purpose of ensuring that the quality (including objectivity, utility, and integrity) of scientific and scholarly information meets scientific, scholarly, and technical community standards.
- E. Scientific Assessment.** An evaluation of a body of scientific or technical knowledge, typically by synthesizing multiple factual inputs, data, models, assumptions, and/or by applying best professional judgment to bridge uncertainties in the available information.
- F. Scientific and Scholarly Information.** Scientific and scholarship outputs that consist of proposals, hypotheses, models, written documents, records of all kinds, and assessments. This definition does not include opinions, where the presentation of an output makes clear that what is being offered is someone's opinion rather than fact or the agency's views. Scientific or scholarly information includes all of the following:
1. Factual inputs, data, models, analyses, technical information, or scientific or scholarly assessments based on the behavioral, cultural, and social sciences, health and medical sciences, life and earth sciences, engineering, or physical sciences.
  2. 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.
  3. Information that an agency disseminates from a web page, but does not include the provision of hyperlinks to information that others disseminate.

- 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.