

U.S. Small Business Administration
12/05/2007
Information Quality Guidelines

1. Purpose.

The purposes of these Information Quality Guidelines (“Guidelines”) are:

- to ensure and maximize the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by the U.S. Small Business Administration (SBA);
- to establish an administrative mechanism to allow affected persons to seek and obtain a correction of information maintained and disseminated by the SBA if it does not comply with the OMB Guidelines or these Guidelines; and
- to comply with the Office of Management and Budget’s “Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies,” effective January 3, 2002, 67 FR 8452 (Feb. 22, 2002) (“OMB Guidelines”).

2. Dates.

a. Implementation Date. SBA will implement these Guidelines beginning on October 1, 2002.

b. Applicability Date. These Guidelines are applicable to information that the SBA disseminates on or after October 1, 2002. Beginning October 1, 2002, the Guidelines require SBA to review such information to ensure quality, before SBA disseminates it to the public.

The only exception to this general applicability date is that the administrative mechanism described in paragraph 9 of these Guidelines applies to any information that SBA disseminates on or after October 1, 2002, regardless of when SBA created it or first disseminated it. SBA considers information to be continuously disseminated to the public if SBA continues to rely upon that information as a basis for its decisions concerning SBA’s program responsibilities, or which SBA relies upon as official, authoritative government data. Therefore, such information is subject to the administrative mechanism in paragraph 9 of these Guidelines, even if SBA first disseminated such information before October 1, 2002. However, information that SBA first disseminated prior to October 1, 2002, and that SBA maintains on its web site or other publicly-available venue but that SBA neither continues to use for decision-making nor relies upon as official, authoritative, government data, is not considered continuously disseminated after October 1, 2002. Such information instead is considered “archived” information and, therefore, not subject to the administrative mechanism in paragraph 9 of these Guidelines.

Refer to paragraph 11 of these Guidelines for restrictions on the application of the Guidelines to SBA decisions.

3. SBA Implementation of and Compliance with Guidelines.

SBA's Chief Information Officer is responsible for SBA's compliance with OMB Guidelines, and for SBA's activities pursuant to these Guidelines, except for the activities of and information disseminated by the Office of the Inspector General (OIG).

OIG will issue its own guidelines to comply with the OMB Guidelines, and such guidelines will govern OIG's activities and information disseminated by the OIG that would be subject to the OMB Guidelines.

4. Definitions.

When SBA uses the following terms in these Guidelines, they have the following meanings or concepts.

a. 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. It includes information that SBA disseminates from SBA's own official web sites, but does not include the provision of hyperlinks to information that others disseminate. It does not include opinions, where the presentation makes clear that what is being offered is someone's opinions rather than SBA's views.

b. Government information means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

c. Dissemination or Disseminated means SBA initiated or sponsored distribution of information to the public. If a particular dissemination of information is not covered by these guidelines because it is not "SBA initiated or sponsored," the guidelines may still apply to a subsequent dissemination of that information in which SBA adopts, endorses or uses the information to formulate or support a regulation, guidance, or other decision or position.

"SBA initiated or sponsored distribution" DOES NOT include:

- Distribution limited to government employees or SBA contractors or grantees.
- Distribution intended to be limited to 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, or the Federal Advisory Committee Act.
- Distribution limited to correspondence with individuals or persons.
- Press releases or similar communications that announce, support the announcement, or give public notice of information SBA has disseminated elsewhere.
- Archival records.

- Public filings.
- Distribution intended to be limited to subpoenas or adjudicative processes (for example, findings and determinations that SBA makes in the course of adjudications involving specific parties).
- Research results and findings published or disseminated by an SBA contractor or grantee in the same manner as his or her academic colleagues.
- Research results and findings published or disseminated based on the contractor's or grantee's decision to disseminate the information and determination of the content and presentation of the dissemination (even if SBA retains ownership or other intellectual property rights because SBA paid for the research).
- Information received by SBA pursuant to and in accordance with its gift acceptance authorities in sections 5(b)(9), 7(k)(2), or 8(b)(1)(G) of the Small Business Act (15 U.S.C. §§634(b)(9), 636(k)(2), and 637(b)(1)(G)) and then disseminated by SBA in accordance with such authority and implementing regulations and/or policies.

“SBA initiated or sponsored distribution” DOES include:

- Information prepared by an outside party and disseminated by SBA in a manner that reasonably suggests that SBA agrees with the information and/or that the information represents SBA's views.
- Information that SBA directs an outside party to disseminate on its behalf, or that SBA reviews and approves before its release.

d. *Quality* is an encompassing term comprising utility, objectivity, and integrity.

e. *Utility* refers to the usefulness of the information to its intended users, including the public. In assessing the usefulness of the information to the public, SBA will consider the uses of the information, not only from SBA's perspective but also from the public's perspective. When transparency of information is relevant for assessing the information's usefulness from the public's perspective, SBA will address the issue of transparency when it reviews the information prior to disseminating it.

f. *Objectivity* involves two distinct elements, presentation and substance.

- Presentation involves disseminating the information in an accurate, clear, complete, and unbiased manner. This involves whether SBA is presenting the information within the proper context. This may mean that SBA should disseminate other information together with the information disseminated, in order to ensure an accurate, clear, complete and unbiased presentation. SBA should identify the sources of the information disseminated, to the extent possible while remaining consistent with confidentiality protections. When SBA disseminates influential financial or statistical information, SBA also should disseminate 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. SBA should have full, accurate, transparent documentation, and should identify and disclose to users any error sources affecting data quality.

- Substance involves a focus on ensuring accurate, reliable, and unbiased information. In the context of financial or statistical information, SBA should generate the original and supporting data, and should develop the analytic results using sound statistical and research methods.

g. *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.

h. *Influential* applies only to scientific, financial or statistical information, and means that SBA reasonably can determine that dissemination of such information will have or does have a clear and substantial impact on important public policies or important private sector decisions.

i. *Financial information* is information concerning SBA's management of its appropriated funds and of its lending and investment programs.

j. *Statistical information* is a collection of numerical data.

k. *Reproducibility* means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. With regard 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.

l. *OMB Guidelines* means the Office of Management and Budget "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies," 67 FR 8452 (Feb. 22, 2002).

5. SBA's Information Quality Policy.

a. Policy statement.

It is SBA's policy to ensure and maximize the quality, objectivity, utility, and integrity of the information that it disseminates to the public. SBA will take appropriate steps to incorporate information quality criteria into SBA's information dissemination practices, and will ensure the quality of information the agency disseminates in accordance with the standards set forth in these Guidelines. SBA is committed to integrating the principle of information quality into every step of SBA's development of information, including creation, collection, maintenance, and dissemination. SBA will comply with all then-existing legal and policy rules, regulations, directives, and guidance at every step of the process.

b. Information development.

When SBA develops information, it will use its Enterprise Architecture as a guide in building the groundwork for the information. This enterprise architecture will help define the goals for the

information, information sharing requirements, original and supporting data needs, and all the applications for the information, among other things. SBA will determine and document all requirements for the information.

c. Information acquisition.

At the information acquisition stage, SBA will remain cognizant of potential problems with information quality, including accuracy, currency, and completeness. Wherever possible during the information acquisition process, SBA will verify (assess completeness, accuracy, consistency, currency, timeliness) and validate (assess whether the data are appropriate for the measures it was collected to show) the data it collects, and scrub such data to correct problems. SBA will use lessons learned from this process to improve its information acquisition procedures. SBA also will document for the agency's records limitations on data and other information as a result of problems discovered during the information acquisition stage that SBA could not correct before it disseminates the information.

d. Information maintenance.

SBA will make every effort, within SBA's available resources, to improve the information it maintains, including its data systems or processes. SBA will encourage feedback from both internal and external sources on the quality of SBA's information, and will consider making changes to its information development and acquisition procedures to correct errors and other problems. SBA will conduct information quality assessments, including reviews and inspections of data, comparisons with other sources of similar data, and verification and validation of information and data. SBA also will take steps to ensure that the information SBA maintains remains secure from unauthorized access, revision, falsification, or corruption.

e. Information collections subject to the Paperwork Reduction Act (PRA).

When SBA develops new information collections or modifies existing information collections subject to the Paperwork Reduction Act (PRA), SBA will make every effort to ensure that the information collection will result in information that will be collected, maintained, and used in a manner consistent with the OMB Guidelines and these Guidelines. In SBA's PRA submission to OMB requesting OMB's clearance on new or revised information collections (i.e., in the supporting statement to the OMB Form 83-I), SBA will address its compliance with OMB Guidelines and these Guidelines.

6. SBA's Information Quality Standards.

a. Categories of information and quality standards.

SBA will establish two categories for the information SBA disseminates, and corresponding standards of information quality:

Level I – Influential

- Applies to influential financial or statistical information SBA disseminates.

- High quality standard.

Level II – Basic

- Applies to all information SBA disseminates that does not fall within Level I.
- Basic quality standard.

b. Level I information.

i. Types of information. Influential financial or statistical information that SBA is responsible for disseminating, as defined in these Guidelines, will fall into the Level I category. Level I information will be subject to a high degree of transparency about the data and methods that were used, in order to facilitate the reproducibility of such information by qualified third parties.

ii. Quality standard. SBA will apply a high quality standard to information in the Level I category, and will ensure the utility, objectivity, and integrity of the information in this category. SBA will use sound statistical and research methods to generate original and supporting data, and to develop analytic results. To the extent possible, SBA will make the data and methods publicly available in order to assist the public in determining whether analytic results are reproducible. However, SBA must not disseminate any data or methods where to do so might violate, improperly disclose, or otherwise infringe upon compelling interests (for example, privacy, trade secrets, intellectual property, and other confidentiality protections). Where SBA does not make the data and methods publicly available due to such compelling interests, it will apply rigorous checks to analytical results, and document what checks it undertook. In all cases, SBA will disclose the specific data sources that have been used, and the specific quantitative methods and assumptions that have been employed.

iii. Standards of reproducibility for original and supporting data.

A. Financial information. All data used as input, including source, definition, type/size, null/not null, validation rules and business rules as applicable will be stored and available for the duration of the financial information's life cycle. All formulas, calculation, matrices used in processing the data also will be available for the duration of the financial information's life cycle.

B. Statistical information. All data used as input, including source, definition, type/size, null/not null, validation rules and business rules as applicable will be stored and available for the duration of the statistical information's life cycle. All formulas, calculation, matrices and assumptions used in processing the data also will be available for the duration of the statistical information's life cycle.

iv. Information Quality Assurance.

A. Information Quality Assurance Panel. SBA will conduct an internal peer review process for all influential financial or statistical information the agency plans to disseminate, before it disseminates such information. (Financial statements compiled by

SBA in accordance with the Chief Financial Officer's Act of 1990 will not be subject to review by the Information Quality Assurance Panel because there is a well-established, existing process for reviewing such statements that exceeds the level of the Panel review.) The OCIO will establish an Information Quality Assurance Panel for purposes of conducting the internal peer review process. The Information Quality Assurance Panel will be drawn from representatives of the Offices of the Associate Deputy Administrators and other major offices.

B. Procedure. The program office responsible for creating and maintaining the influential financial or statistical information to be disseminated will present such information, before it is disseminated to the public, to the Information Quality Assurance Panel. The program office will make a presentation of the information to be disseminated, including the data, the basis for the data, and documentation of the data and methods used to arrive at the data. The Information Quality Assurance Panel will review the information and make a determination as to whether the information complies with these Guidelines and whether it is capable of being substantially reproduced, as required by the OMB Guidelines and these Guidelines. The program office should not disseminate the information to the public unless and until the Information Quality Assurance Panel has cleared the information for dissemination.

The Information Quality Assurance Panel also will advise the program office of any recommended actions to better document the basis for the information and/or to improve the program office's information quality assurance practices.

c. Level II information.

i. Types of information. All information SBA disseminates, as defined in these Guidelines, will fall into the Level II category if it does not fall within the Level I category. Level II will be subject to an appropriate degree of transparency about the data and methods that were used, depending on the circumstances.

ii. Quality standard. SBA will apply a basic quality standard to information in the Level II category, and will ensure the utility, objectivity, and integrity of the information in this category.

7. Review Before Dissemination of Information.

a. General.

SBA managers are responsible for reviewing the quality (including utility, objectivity, and integrity) of information before such information is disseminated. SBA managers will be prepared to substantiate the quality of all information developed, maintained, and disseminated under their management and responsibility.

b. OCIO and Information Quality Assurance Panel review.

SBA managers should consult with OCIO for assistance in determining whether any new information, created and maintained by their offices and to be disseminated to the public, falls

within the Level I category described in these Guidelines and is subject to the corresponding high quality standard. The Chief Information Officer, in his or her discretion, may convene the Information Quality Assurance Panel to review the information to be disseminated and provide a recommendation as to whether SBA should consider the information to fall within Level I or Level II.

c. Reviewing for Level I -- Influential.

In reviewing information to determine whether such information falls within the Level I – Influential standard, SBA first will determine if such information is “financial or statistical information.” If not, then the information falls within Level II. If so, then SBA will determine whether such information is “influential,” as defined in these Guidelines.

When determining whether the information “will have or does have a clear and substantial impact,” SBA will decide whether such impact has a high probability of occurring. If it is merely arguable that such an impact might occur, or if it is a close judgment call, then the information may not be considered influential. When determining if the impact will be on “important public policies or important private sector decisions,” SBA will decide whether the impact will be on important policy, economic, or other similar decisions.

SBA will consider two factors in making these determinations: breadth and intensity. Breadth refers to the range of parties or entities upon which the information will have or does have a clear and substantial impact. Information that affects a broad, rather than a narrow, range of parties (e.g., an entire industry as opposed to a narrow sector or an industry or a single company) is more likely to be considered influential. Intensity refers to the level or degree of impact. Information that has a low cost or modest impact on affected parties is less likely to be considered influential than information that has a high cost or crucial impact.

8. Responsibility for Information Quality.

a. General.

SBA managers are responsible for the quality of information under their management. Managers are responsible for maintaining required agency records in support of information created or maintained by their offices and then disseminated by SBA.

b. Level I information.

SBA managers who are responsible for information in the Level I – Influential category will ensure that such information has a high degree of transparency and reproducibility. Examples of practices that may be required to support reproducibility of information in this category are:

- justify that the statistical and research methods used are sound;
- document descriptions of methods and assumptions used;
- freeze and archive the data set or the inputs into a model;
- archive computer code used for a model;

- archive the sources of data used;
- document any discussion of data sources, methods, and assumptions;
- evaluate the quality and logic underlying analytical results through periodic reviews;
- document any limitations on data used.

9. Administrative Mechanism to Seek Correction of SBA Information.

a. General scope of the administrative mechanism.

The administrative mechanism described in these Guidelines is for the purpose of allowing an affected person to seek and obtain correction (“correction request”) of information maintained and disseminated by SBA that the person believes is erroneous, inconsistent or does not comply with these Guidelines or the OMB Guidelines.

b. Who may file a correction request?

Any affected person may file a correction request under these Guidelines. An “affected person” is an individual, entity, or organization that is using, or has been or may be benefited or harmed by, the information SBA disseminated or who otherwise is affected by the information.

c. When may an affected person file a correction request?

An affected person may file a correction request only after SBA disseminates the information that the affected person claims it is using or will or has affected it.

d. How and to whom must an affected person file a correction request?

An affected person may file its correction request with the Office of Chief Information Officer (“OCIO”), U.S. Small Business Administration, through one of the following methods:

- Fax: file a correction request via fax to a fax machine located in the Office of Chief Information Officer, (202) 481-6123, ATTN: SBA Data Administrator.
- Mail: file a correction request by mail, by mailing the request, first class postage prepaid, to Office of Chief Information Officer, U.S. Small Business Administration, 409 Third Street, SW, Suite 4000, Washington, D.C. 20416, ATTN: Data Administrator.
- E-mail: file a correction request by e-mail to sbadataadministrator@sba.gov

e. What must an affected person include in its correction request?

SBA will make available to the public a standard form and instructions that an affected person may use for a correction request. At a minimum, the correction request must:

- (1) Identify the affected person;
- (2) State how the affected person has been affected by the information;
- (3) Describe in detail the information the affected person seeks to have corrected, including the name of the information, when SBA disseminated the information, and where or in what format SBA disseminated the information;
- (4) Specify why the affected person believes the information is erroneous for failure to comply with OMB Guidelines or these Guidelines, and provide any documentation, information, data, or other facts available to the affected person in support of its assertion; and
- (5) Substantiate the basis for the correction request by discussing why SBA's making of the requested correction would serve the genuine and valid needs of SBA or the public, would not disrupt SBA processes, and is only to the degree appropriate for the nature and timeliness of the information involved.

Persons submitting correction requests should be aware that they bear the "burden of proof" with respect to the necessity for the correction and to the type of correction they seek.

f. How will SBA process correction requests that it receives?

i. Initial screening. SBA's OCIO will screen the correction request for completeness, but will not substantively review the request. If OCIO determines that the correction request is incomplete, OCIO will advise the submitter that SBA will not process the request. For those correction requests that OCIO considers complete, OCIO will assign a case tracking number, and will forward the correction request to the appropriate SBA program office for processing.

ii. Program office review and response. The appropriate SBA program office, with responsibility for the disseminated information that is the subject of the correction request, will review the correction request. The program office will:

(1) Determine if the correction request is valid (i.e., the person submitting the request has stated that it is an "affected person;" the correction request addresses specific "information" "disseminated" by SBA; and the affected person has substantiated and justified the basis for its correction request) and made in good faith (i.e., is not frivolous or speculative and is not made solely for the purpose of harassing the agency), in which case such office will consider the correction request further; or is frivolous and made in bad faith, in which case such office will reject the correction request; and

(2) Decide whether SBA's making of the requested correction would serve the genuine and valid needs of SBA or the public and would not disrupt SBA processes, taking into consideration the nature and timeliness of the information at issue, the magnitude of the error, the significance of the error on SBA's or the public's use of the information, and the cost of undertaking a correction.

If the program office determines that SBA should make a correction, the program office, after considering the type and extent of correction requested by the affected person, will make its own determination about the corrective action that is appropriate for the nature and timeliness of the information involved. Examples of remedies SBA may apply are flagging the information, correcting the information, immediately retracting the information, suspending the information pending correction, and notifying the public that SBA will be doing additional work on the data or models underlying the information.

The program office will communicate with OCIO on the status of the correction request during processing. The program office will prepare a draft written response to the person submitting the correction request and will forward the draft response to OCIO. The response will describe SBA's decision on the correction request, including the corrective action (if any) that SBA has made or will make.

OCIO will review the draft decision to determine whether SBA has given the correction request appropriate consideration. OCIO may change the proposed decision prepared by the program office, after consultation with the program office. OCIO will finalize SBA's response to the correction request and send it to the person submitting the correction request, under the signature of the Chief Information Officer or his or her delegated representative.

SBA is not obligated to change the content or status of information as a result of SBA's receipt and/or consideration of a correction request.

- iii. Time limit. SBA will respond to a correction request within 60 days of receiving a complete request. OCIO will be responsible for monitoring the status of correction requests (including the timeliness of SBA's responses to such requests) and communicating with the submitter on the status of such requests.

g. What are the procedures for requesting reconsideration of SBA's response to a correction request?

- i. Time limit on request for reconsideration. An affected person may file a request for reconsideration of SBA's response to the person's correction request within 30 days of the date of SBA's response letter. SBA will not process requests for reconsideration submitted after that deadline, although SBA, in its sole discretion, may make the requested correction despite its not processing the request for reconsideration itself under these Guidelines.

- ii. How to file a request for reconsideration. An affected person may file its request for reconsideration with the OCIO, through any one the methods described above for filing a correction request.

- iii. Contents of a request for reconsideration. The request for reconsideration must state the basis for the request, and include as attachments the original correction request filed and SBA's response to it. The affected person must state why the person does not agree with SBA's decision in response to the person's correction request and/or with SBA's corrective action (if any).

iv. SBA processing of requests for reconsideration.

A. Initial screening. SBA's OCIO will screen the request for reconsideration for timeliness and completeness, but will not substantively review the request. If OCIO determines that the request for reconsideration was not timely filed or is incomplete, OCIO will advise the submitter that SBA will not process the request. OCIO will forward to the appropriate SBA program office, for their information only, all untimely filed requests for reconsideration. OCIO will assign to each timely and complete request for reconsideration the same case tracking number assigned to the underlying correction request, and will forward such request for reconsideration to the appropriate SBA program office for processing.

B. Program office review and response. The SBA office or officer that is next highest in the chain of command above the SBA office or officer that responded to the original correction request will handle requests for reconsideration, and:

(1) Will review and reconsider SBA's response to the original correction request and the contents of the request for reconsideration and may at its sole discretion approve the correction request.

(2) If it believes SBA's response to the original correction request should not change, it will convene a panel consisting of a program office representative and two panel members drawn from other SBA offices (e.g., Office of Chief Operating Officer, Office of General Counsel, Office of Chief Information Officer) to review the reconsideration request. The panel's decision will prevail over the program office's decision.

(3) Will prepare a draft written response to the person submitting the request for reconsideration and will forward the draft response to OCIO. The response will describe SBA's decision on the request for reconsideration, including the corrective action (if any) that SBA has made or will make.

OCIO will review the draft decision to determine whether SBA has given the reconsideration request appropriate consideration. OCIO may change the proposed decision prepared by the program office, after consultation with the program office. OCIO will finalize SBA's response to the reconsideration request and send it to the person submitting the request for reconsideration, under the signature of the Chief Information Officer or his or her delegated representative.

C. Time limit. SBA will respond to a request for reconsideration within 45 days of receiving a timely and complete request. OCIO will be responsible for monitoring the status of requests for reconsideration (including the timeliness of SBA's response) and communicating with the submitter on the status of such requests.

h. Recordkeeping.

OCIO will maintain an agency record of all correction requests and requests for reconsideration filed with OCIO, and all SBA responses to either. OCIO also will maintain a tracking system for such requests for the purpose of providing reports to OMB as required in the OMB Guidelines.

10. Correction Requests Concerning Information on Which SBA Has Sought Public Comment.

Certain activities conducted by SBA, during which SBA disseminates information, already include a comprehensive public comment process and in almost all such cases SBA disseminates information through publication of information in the Federal Register and/or posting such information on SBA's web site together with a specific request for public comment. Examples of such activities include:

- Notices of proposed rulemaking (NPRM).
- Requests for comment on information collections subject to the Paperwork Reduction Act (PRA).
- Regulatory evaluations or analyses (for example, evaluations under the Regulatory Flexibility Act).
- Interim final or direct final rules.
- Notices of availability of funds and/or program announcements.

Generally, information that SBA disseminates in the context of such activities will not be subject to the administrative mechanism described in Section 9 of these Guidelines (although all other aspects of the Guidelines do apply). Instead, SBA expects that those affected persons who seek a correction of such information on the basis that it does not comply with the OMB Guidelines or these Guidelines, will submit a comment to that effect in accordance with the rules governing public comments concerning that activity. SBA will address that comment/correction request in the next document SBA issues in the activity concerning which SBA sought public comment.

As an example, SBA publishes in the Federal Register a notice of proposed rulemaking (NPRM) and provides a 60-day public comment period. In that case, SBA expects a person who believes that information disseminated through the NPRM is erroneous to submit a comment to that effect within the 60-day comment period. SBA will address that comment in the final rule SBA issues based on that NPRM and make any corrections to the disseminated information that SBA deems appropriate. If the person submits a correction request on the 61st day under the administrative mechanism described in Section 9 of these Guidelines, SBA reserves the right not to consider the request.

In unusual circumstances, SBA in its discretion may issue a response to a correction request submitted during the public comment period on a rulemaking or similar activity, separate from and outside of the rulemaking process and earlier than through the issuance of a final document. Such circumstances could include where issuance of a final rule will be delayed or where harm to the affected party would be substantial if SBA waited to address the correction request in the final rule. If SBA disseminates new information in the final rule, however, such information would be subject to the administrative mechanism described in section 9 of these Guidelines. Otherwise, SBA reserves the right to reject a correction request, concerning information in a final document, if that request could have been made during the public comment period provided.

11. Public Comment on These Guidelines.

- a. Interested parties are free to raise questions regarding the appropriateness of using these Guidelines in a particular situation. SBA will consider whether the Guidelines are appropriate in that situation.
- b. SBA may revise these Guidelines from time to time. SBA welcomes comments on the content of the Guidelines at any time and will consider such comments in any future revisions to the Guidelines.

12. Restrictions on the Applicability of These Guidelines.

- a. These Guidelines do not impose any additional requirements on SBA during adjudicative proceedings, which are proceedings before SBA in which the rights and duties of specific parties in a specific matter are settled through SBA's exercise of "judicial" authority through factual findings and legal determinations (see 13 CFR Part 134). These Guidelines do not provide parties to adjudicative proceedings any additional rights of challenge or appeal.
- b. These Guidelines represent SBA policy and procedural guidance, and are not SBA regulations. Therefore, the Guidelines do not have the force and effect of law, and do not create any legal rights or impose any legally binding requirements or obligations on SBA or on the public.
- c. These Guidelines themselves do not represent a final agency decision, and do not direct or govern any final agency decision by SBA. Rather, SBA will make its decisions concerning each matter presented for decision, based on the applicable statutes and regulations in existence at the time it makes its decision.