

**Frequently Asked Questions and Answers
Regarding the Department of Commerce Public Communications Policy
(Department Administrative Order 219-1)**

Updated April 20, 2007

1. *Why are you issuing a new policy?*

The current policies for the Department are contained within three different and very dated Department Administrative Orders last revised in the early 1980's. These policies are not consistent, certain provisions are contradictory, and they do not reflect the modern era of public communications.

The Department has consolidated these into one Department Administrative Order to make it easier for employees to reference a consistent, easy-to-understand policy. In the last few years there has been heightened attention throughout the federal government regarding media policies, particularly with regards to scientific research. While Department policy has consistently been to promote the excellent work of our employees, the Department saw an updated public communications policy as an opportunity to reaffirm principles of openness and transparency. In addition, there was clearly a need to bolster training within the various public affairs offices, which had not occurred in a systemic way for years, if not decades. The policy will take effect 45 days from issuance so that the training process can proceed.

2. *Are there any big changes in this new policy?*

The new policy provides an unambiguous "carve-out" for scientific research communications, called Fundamental Research Communications. While previous Department-wide practice had been to accurately promote the information developed by Department researchers, the previous policies were at times unclear. The new policy reaffirms the independence of Fundamental Research Communications from budget, policy or management considerations. In addition, the policy puts in place an appeals process in which the Department can handle concerns or issues raised with the policy's implementation.

3. *Does the Public Affairs Office get to alter the scientific content of Fundamental Research Communications?*

No. The Public Affairs Office plays an important role in helping to publicize Fundamental Research Communications but may not alter scientific content.

4. *Are scientists required to work with Public Affairs?*

With regards to their Fundamental Research Communications, scientists are not required to work with Public Affairs. Each operating unit has its own internal procedures for handling public communications and/or research communications that researchers will need to follow. Separately, operating units or their designees are responsible for alerting their respective public affairs offices if their Fundamental Research Communications concern topics of heightened media or public interest.

5. Will there be any repercussions if scientists don't work with Public Affairs?

When it comes to Fundamental Research Communications, Department employees do not have to coordinate with Public Affairs, though it is encouraged. If they choose not to, and otherwise follow the procedures in this order and the procedures of their operating unit, there will not be any negative repercussions.

6. How does the process work when information that has been or could be categorized as "Fundamental Research Communications" is included in an official news release? Does Public Affairs get to review and approve that?

Public Affairs coordinates and approves all official news releases. However, the "carve out" that Fundamental Research Communications have continues to apply. The Public Affairs Office mission is to coordinate the release of effective communication products, and approve the presentation, style and logistics of news releases and other similar products; it will not alter the substance of the science in the news release.

7. If I'm a journalist, and I ask Public Affairs to assist in an interview request of a specific scientist, will I be granted an interview?

The Public Affairs office is charged with handling media requests and helping to determine which employee of the Department is best suited to answering questions. Interview requests for specific scientists to discuss their Fundamental Research Communications will be facilitated by Public Affairs. However, Department employees are not required to speak to the press.

8. Why does Public Affairs play a coordinating role?

Public Affairs Officers are specialists in the field of communications. They play a key role in the Department's communications efforts. They can provide guidance as to how to structure a news-making event, how to write clearly without jargon and how to best communicate an issue. Public Affairs Officers also play an important advocacy role on behalf of the press and public, working to promote broader transparency, public access and awareness of Department issues.

9. Can employees give their personal opinions when doing an interview?

This policy provides clear guidance as to what kinds of public communications they can engage in using taxpayer-funded resources. It is not acceptable for government employees to use government resources to promote personal activities or opinions. Department researchers may draw scientific conclusions based on fundamental research related to their jobs and may communicate such information. Personal opinions that go beyond scientific conclusions based on fundamental research related to their jobs are personal communications. If employees wish to publicize their personal opinions, they may do so on their own time, as long as it doesn't violate federal law.

10. *Why can't employees provide their personal views from their workplace?*

We believe that government time and resources should not be used to promote personal opinions.

11. *What is a "public communication?"*

A public communication is any communication that is intended for, or should reasonably be expected to have, broad distribution outside the Federal government, such as speeches, public relations materials, public writings, media interviews, public educational instruction and public presentations.

12. *What is the difference between an "official communication" and a "non-official communication of interest?"*

First, it's worth noting that this discussion does not bear on Fundamental Research Communications. An "official communication" is one in which an employee is speaking or writing as part of their job. A "non-official communication" is when an employee is communicating his or her personal views outside of their job. A "non-official communication of interest" is a personal communication that, because the subject matter deals with Department programs or operations, may be misperceived by the public as an official communication or that may include nonpublic government information. (See FAQ #21) The new policy includes notice and, for written materials, review procedures (but eliminates a prior approval requirement) regarding such communications, to help ensure that there is no inadvertent disclosure of such protected information and no misunderstanding about the nature of the communication.

13. *If I'm a DOC employee and I'm invited to lead a seminar at a local university as part of my job, do I have to submit my presentation for Public Affairs review and clearance?*

Employees need to follow their own operating unit policies, and in the vast majority of cases this order will not impact those policies. Only if the presentation involves an issue that could be expected to garner heightened press or public attention does the employee have to coordinate with the Public Affairs Office regarding written materials. As always, with Fundamental Research Communications, coordination with the Public Affairs office is optional, and Public Affairs does not approve or clear the substance of the communications.

14. *Why are there some restrictions regarding discussing policy, budget or management issues?*

Consistent with longstanding policy throughout the federal government, only designated officials may officially speak for the Department on policy, budget or management issues. This is to ensure the effective development and communication of such, and also to prevent public misunderstanding of the Department's policies and initiatives.

15. Did you develop this policy in response to news stories and Congressional interest into how the Department handles scientific communications?

The review of this policy was to determine if any were obsolete. Increased public attention on how the federal government, including the Department, handled press inquiries involving scientific research certainly played a role in the Department's review of its procedures and policies. It soon became clear that the Department's existing policies, awareness of those policies, and, most critically, the training of both public affairs staff and other employees were inadequate and did not fully address current needs and priorities. In three separate rounds, the Department sought input from internal Department constituencies, particularly those in field offices.

16. Would this policy have changed how the Department handled previous communications controversies?

This new policy, and the strengthened training that will go along with it, should help prevent misunderstandings that may have occurred in the past and improve inter-office coordination. Most fundamentally, the strong dispute resolution mechanisms will mean that if employees don't feel the policy is being implemented properly, they will have recourse to a separate review.

17. The NASA policy that was unveiled last year seems to have been well received. Why Didn't you just adopt and adapt the NASA policy?

The NASA policy is a good policy for NASA, a unique part of the federal government. The Department of Commerce is different from NASA, and we felt that we needed a broad policy that provided a general framework and principles, which our operating units and their designees could further refine as their circumstances warranted. The Department drew heavily from the NASA policy and worked to build in added features, such as the definition of Fundamental Research Communications.

18. Is there an ongoing Inspector General investigation of the Department's communications policies?

There is an ongoing audit by the Department's Office of Inspector General, in response to a Congressional request.

19. Why aren't there specific policies regarding the development of news releases?

The Department determined that due to the broad diversity of agencies within the Department, it would be best to allow each the flexibility to determine their policies, as long they are consistent with this Department policy.

20. If the various agencies within the Department can continue to use their existing policies and guidelines, then what does this new Department-wide policy actually do?

It reaffirms core principles (for example, in providing for the independence of Fundamental Research Communications), provides clearer guidance and consolidates three outdated policies into one consistent policy. The various agencies can continue to utilize their existing policies, as long as they are consistent with this Department-wide policy.

21. If an employee wants to engage in a private communication (e.g., a conversation with a friend), or a public communication (e.g., an op-ed piece) on a Departmental issue unrelated to his/her job or area of expertise, does the policy require Departmental approval before going forward?

Private communications are not covered by this policy. Public communications on Departmental issues unrelated to an employee's job or area of expertise are not "of interest" so there is no review. (See FAQ #12)

22. Will you be open to further input and feedback on the policy?

Yes. As the Department moves forward to implement the policy, conduct training and expand awareness, we anticipate receiving feedback, and we look forward to working to address issues that are raised and making our policy the best it can be for our employees and the Department.