

U.S. Occupational Safety and Health Review Commission
Office of Administration
Policy Statement and Procedures

SUBJECT: Information Quality Guidelines

ISSUANCE DATE: 12/17/2007

1. **PURPOSE.** The Occupational Safety and Health Review Commission (“OSHRC”) issues these Information Quality Guidelines to describe OSHRC’s policy for ensuring the quality of information that it disseminates to the public and to set forth the administrative procedure by which an affected person may obtain correction of disseminated information that does not comply with the guidelines.

2. **AUTHORITY.** Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554) requires each Federal agency to publish guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information that it disseminates to the public. Each agency’s guidelines must be based on government-wide guidelines issued by the Office of Management and Budget (“OMB”). After seeking comment on proposed government-wide guidelines, OMB published final guidelines (with certain provisions published on an interim final basis) in the *Federal Register* on September 28, 2001 (66 Fed. Reg. 49718). Revised final guidelines were published by OMB on January 3, 2002 (67 Fed. Reg. 369), then republished with corrections on February 22, 2002 (67 Fed. Reg. 8452) (“OMB Guidelines”).

3. **EFFECTIVE DATE.** These guidelines apply to information disseminated (as defined in the OMB Guidelines) by OSHRC on or after October 1, 2002, regardless of when the information was first disseminated.

4. **SCOPE AND APPLICABILITY.** The mission of OSHRC is to provide fair and timely adjudication of workplace safety and health disputes between the U.S. Department of Labor and employers. In doing this, OSHRC plays a vital role in encouraging safe and healthy workplaces for American workers.

The cases in which OSHRC renders decisions arise from inspections conducted by the Occupational Safety and Health Administration (“OSHA”), which is a part of the U.S. Department of Labor—a Federal agency separate from OSHRC. OSHRC and OSHA were both created by the Occupational Safety and Health Act of 1970, but the Act mandated that OSHRC be an independent agency (i.e., not part of another Federal department) to ensure that parties to agency cases receive impartial hearings.

OSHRC’s function is to adjudicate and, as such, OSHRC usually does not disseminate information to the public. Information is available to the public, primarily by means of OSHRC’s Web site, but usually as a by-product of dissemination of information to federal employees; transmittal of reports to Congress and other agencies; publication of regulations and required notices in the *Federal Register*; and OSHRC’s performance of its other duties.

OSHC does not develop or disseminate specific categories of information cited by OMB that may require higher and more specific quality standards (e.g., influential scientific, financial or statistical information, and reports prepared by non-governmental entities). OMB Guidelines, 67 Fed. Reg. 8452, 8460.

The correction and appeal process that will address data quality challenges does not apply to information disseminated by OSHRC through a comprehensive public comment process, e.g., *Federal Register* notices of proposed rulemakings, requests for comments on information collections subject to the Paperwork Reduction Act, and other documents for which OSHRC solicits public comments. Persons questioning the quality of information disseminated in those documents, or documents referenced or relied upon in those documents, must submit comments as directed in the *Federal Register* or other notices requesting public comment on a given document. OSHRC will use its existing processes for responding to public comments in addressing a request for correction, and will describe the actions it has taken with regard to the request in a *Federal Register* notice of a final agency rule or other final action.

5. DEFINITIONS. Terms used in these guidelines are defined by reference to definitions in the OMB Guidelines, 67 Fed. Reg. 8452, 8459-60, as follows:

A. "Quality" includes the utility, objectivity, and integrity of information.

B. "Utility" refers to the usefulness of information not only to OSHRC, but also to its intended users, including the public.

C. "Objectivity," as applied to both presentation and substance, includes whether disseminated information is being presented in an accurate, clear, complete, unbiased manner, in a proper context, and with identification of sources (to the extent possible, consistent with confidentiality protections).

D. "Integrity" refers to the security of information (that is, protection of the information from unauthorized access or revision, to ensure that it is not compromised through corruption or falsification).

E. "Information" means any communication or representation of knowledge, such as facts or data, in any medium or form, including textual, numerical, graphic, narrative, or audiovisual forms. It includes information disseminated on the OSHRC Web site, but does not include the provision of hyperlinks to information that others disseminate. The term also does not include opinions, where OSHRC's presentation makes it clear that what is being offered is an individual's opinion rather than fact or OSHRC's policy.

F. "Dissemination" means agency-initiated or sponsored distribution of information to the public (see 5 C.F.R. § 1320.3(d) (definition of "Conduct or Sponsor")).

Dissemination does not include distribution of information that is:

- limited to government employees or agency contractors;
- intra- or inter-agency use or sharing of government information;

- responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar law;
- correspondence with individuals or persons;
- archival records;
- public filings;
- subpoenas; or
- matters subject to adjudicative processes.

6. PROCEDURES FOR ENSURING AND MAXIMIZING THE OBJECTIVITY AND UTILITY OF INFORMATION PRIOR TO DISSEMINATION. The OSHRC staff member or official most knowledgeable of the subject matter of the information to be disseminated is the Lead Individual and will review all draft information, as necessary and appropriate. It is the Lead Individual's responsibility to review the information for accuracy prior to dissemination of the information and to pursue the most knowledgeable and reliable sources reasonably available to confirm the objectivity and utility (as defined in Section 5 above) of such information. It is also the Lead Individual's responsibility to review and verify data submitted by other government agencies, as necessary and appropriate, to ensure the same level of objectivity and utility.

7. PROCEDURES FOR ENSURING INTEGRITY OF INFORMATION. As previously stated, information is made available to the public primarily through the Agency's Web site. OSHRC's Web site is hosted by the Government Printing Office ("GPO"), which ensures appropriate security measures are in place to protect information on OSHRC's Web site from unauthorized access or revision. In carrying out that responsibility, GPO: (a) implements applicable new software patches and security guidelines as recommended by Federal agencies responsible for guidance on information security issues; (b) routinely monitors Web server event logs to identify potential breaches of security; and (c) maintains backups of Web site and Web server content to enable prompt restoration of the OSHRC Web site if its security is threatened or the system fails due to hardware or software error.

8. ADMINISTRATIVE CORRECTIVE MECHANISMS. Affected members of the public who believe that information disseminated by OSHRC does not comply with OMB or OSHRC guidelines may contact OSHRC to request a correction of the information. Such persons ("requesters") should write to the Director of Administration, U.S. Occupational Safety and Health Review Commission, Suite 900, 1120 20th Street, NW, Washington, DC 20036. The Director of Administration will refer the request for response to the office or individual responsible for development or maintenance of the information. Initial requests should include all relevant information available to the requester, and a clear statement of the alleged conflict with OMB or OSHRC guidelines. OSHRC will reject requests made in bad faith or without sufficient justification.

OSHC will respond to a request within 60 calendar days after its receipt (or sooner, if it is possible to quickly resolve the request and immediate attention is necessary due to the nature of the information). If the request requires more than 60 calendar days to resolve, OSHRC will inform the requester that more time is required and indicate the reason why and an estimated decision date. The office to which the request has been referred will respond by letter directly to the requester. The letter will inform the requester whether OSHRC believes a correction is appropriate, given the nature and timeliness of the information involved, and if so, will provide any corrected information. If OSHRC's response is not acceptable to the requester, he or she may appeal the initial decision. The requester must send an appeal within 60 calendar days of the date of OSHRC's response. It should be addressed to the Director of Administration (at the address shown in the first paragraph of this section), and must state the reason(s) why the initial decision was not acceptable.

If OSHRC believes that other agencies may have an interest in the resolution of an appeal, it will consult with those agencies about their possible interest before completing its review of the appeal. Within 60 calendar days after OSHRC receives the appeal, the Director of Administration will respond by letter informing the requester whether the appeal is granted (that is, the letter will state whether a correction is appropriate, given the nature and timeliness of the information involved, and if so, will provide any corrected information). If the appeal requires more than 60 calendar days to resolve, OSHRC will inform the requester that more time is required and indicate the reason why and an estimated decision date.

9. REPORTING PROCEDURES. OSHRC will send an annual report to OMB describing the number and type of complaints received about OSHRC's compliance with OMB guidelines, and how such complaints were resolved.

10. INFORMATION CONTACT. For questions or comments regarding these guidelines, contact Richard C. Loeb.

11. EXPIRATION. These guidelines will remain in effect until superseded or rescinded.

Richard C. Loeb
Acting Director of Administration

Original Signed: December 17, 2007