

## EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

**§ 3508. Determination of necessity for information; hearing**

Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 179.)

## PRIOR PROVISIONS

A prior section 3508, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2821, related to determination of whether collection of information is necessary for proper performance of functions of agency prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3508, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, related to unlawful disclosure of information, penalties, and release of information to other agencies, prior to the general amendment of this chapter by Pub. L. 96-511. See section 3510(b) of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

**§ 3509. Designation of central collection agency**

The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this subchapter.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 180; amended Pub. L. 106-398, §1 [[div. A], title X, §1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275.)

## PRIOR PROVISIONS

A prior section 3509, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2821, related to designation of central collection agency prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3509, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1304, related to plans or forms for collecting information, submission to Director, and his approval, prior to the general amendment of this chapter by Pub. L. 96-511.

## AMENDMENTS

2000—Pub. L. 106-398 substituted “subchapter” for “chapter”.

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 30 days after Oct. 30, 2000, see section 1 [[div. A], title X, §1065] of Pub. L. 106-398, Oct. 30, 2000, 114 Stat. 1654, formerly set out as an Effective Date note under former section 3531 of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

**§ 3510. Cooperation of agencies in making information available**

(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties) that relate to the unlawful disclosure of information apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 180.)

## PRIOR PROVISIONS

A prior section 3510, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2822, related to cooperation of agencies in making information available prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3510, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, authorized promulgation of rules and regulations, prior to the general amendment of this chapter by Pub. L. 96-511. See section 3516 of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

**§ 3511. Establishment and operation of Government Information Locator Service**

(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the “Service”),

which shall identify the major information systems, holdings, and dissemination products of each agency;

(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Director of the Government Publishing Office, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

(4) consider public access and other user needs in the establishment and operation of the Service;

(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 U.S.C. 431 et seq.).<sup>1</sup>

(Added Pub. L. 104–13, § 2, May 22, 1995, 109 Stat. 180; amended Pub. L. 113–235, div. H, title I, § 1301(c)(1), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 115–435, title II, § 202(d)(1), Jan. 14, 2019, 132 Stat. 5538.)

#### AMENDMENT OF SECTION

*Pub. L. 115–435, title II, § 202(d)(1), title IV, § 403, Jan. 14, 2019, 132 Stat. 5538, 5557, provided that, effective 180 days after Jan. 14, 2019, this section is amended to read as follows:*

#### § 3511. Data inventory and Federal data catalogue

##### (a) Comprehensive Data Inventory.—

(1) *In general.*—*In consultation with the Director and in accordance with the guidance established under paragraph (2), the head of each agency shall, to the maximum extent practicable, develop and maintain a comprehensive data inventory that accounts for all data assets created by, collected by, under the control or direction of, or maintained by the agency. The head of each agency shall ensure that such inventory provides a clear and comprehensive understanding of the data assets in the possession of the agency.*

(2) *Guidance.*—*The Director shall establish guidance for agencies to develop and maintain comprehensive data inventories under paragraph (1). Such guidance shall include the following:*

(A) *A requirement for the head of an agency to include in the comprehensive data inventory metadata on each data asset of the agency, including, to the maximum extent practicable, the following:*

(i) *A description of the data asset, including all variable names and definitions.*

(ii) *The name or title of the data asset.*

(iii) *An indication of whether or not the agency—*

(I) *has determined or can determine if the data asset is—*

(aa) *an open Government data asset;*

(bb) *subject to disclosure or partial disclosure or exempt from disclosure under section 552 of title 5;*

(cc) *a public data asset eligible for disclosure under subsection (b); or*

(dd) *a data asset not subject to open format or open license requirements due to existing limitations or restrictions on government distribution of the asset; or*

(II) *as of the date of such indication, has not made such determination.*

(iv) *Any determination made under section 3582, if available.*

(v) *A description of the method by which the public may access or request access to the data asset.*

(vi) *The date on which the data asset was most recently updated.*

(vii) *Each agency responsible for maintaining the data asset.*

(viii) *The owner of the data asset.*

(ix) *To the extent practicable, any restriction on the use of the data asset.*

(x) *The location of the data asset.*

(xi) *Any other metadata necessary to make the comprehensive data inventory useful to the agency and the public, or otherwise determined useful by the Director.*

(B) *A requirement for the head of an agency to exclude from the comprehensive data inventory any data asset contained on a national security system, as defined in section 11103 of title 40.*

(C) *Criteria for the head of an agency to use in determining which metadata required by subparagraph (A), if any, in the comprehensive data inventory may not be made publicly available, which shall include, at a minimum, a requirement to ensure all information that could not otherwise be withheld from disclosure under section 552 of title 5 is made public in the comprehensive data inventory.*

(D) *A requirement for the head of each agency, in accordance with a procedure established by the Director, to submit for inclusion in the Federal data catalogue maintained under subsection (c) the comprehensive data inventory developed pursuant to subparagraph (C), including any real-time updates to such inventory, and data assets made available in accordance with subparagraph (E) or any electronic hyperlink providing access to such data assets.*

(E) *Criteria for the head of an agency to use in determining whether a particular data asset should not be made publicly available in a manner that takes into account—*

(i) *risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;*

(ii) *security considerations, including the risk that information in an individual data*

<sup>1</sup> See References in Text note below.

asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

(iii) the cost and benefits to the public of converting the data into a format that could be understood and used by the public;

(iv) whether the public dissemination of the data asset could result in legal liability;

(v) whether the data asset—

(I) is subject to intellectual property rights, including rights under titles 17 and 35;

(II) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

(III) is restricted by contract or other binding, written agreement;

(vi) whether the holder of a right to such data asset has been consulted;

(vii) the expectation that all data assets that would otherwise be made available under section 552 of title 5 be disclosed; and

(viii) any other considerations that the Director determines to be relevant.

(F) Criteria for the head of an agency to use in assessing the indication of a determination under subparagraph (A)(iii) and how to prioritize any such subsequent determinations in the strategic information management plan under section 3506, in consideration of the existing resources available to the agency.

(3) Regular updates required.—With respect to each data asset created or identified by an agency, the head of the agency shall update the comprehensive data inventory of the agency not later than 90 days after the date of such creation or identification.

(b) Public Data Assets.—The head of each agency shall submit public data assets, or links to public data assets available online, as open Government data assets for inclusion in the Federal data catalogue maintained under subsection (c), in accordance with the guidance established under subsection (a)(2).

(c) Federal Data Catalogue.—

(1) In general.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing agency data assets with the public, which shall be known as the “Federal data catalogue”. The Administrator and the Director shall ensure that agencies can submit public data assets, or links to public data assets, for publication and public availability on the interface.

(2) Repository.—The Director shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices across the Federal Government, which shall—

(A) include any definitions, regulations, policies, checklists, and case studies related to open data policy;

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices; and

(C) be made available on the Federal data catalogue maintained under paragraph (1).

(3) Access to other data assets.—The Director shall ensure the Federal data catalogue maintained under paragraph (1) provides information on how the public can access a data asset included in a comprehensive data inventory under subsection (a) that is not yet available on the Federal data catalogue, including information regarding the application process established under section 3583 of title 44.

(d) Delegation.—The Director shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.

See 2019 Amendment note below.

#### REFERENCES IN TEXT

The Central Intelligence Agency Information Act, referred to in subsec. (b), is Pub. L. 98-477, Oct. 15, 1984, 98 Stat. 2209, which was formerly classified principally to subchapter V (§431 et seq.) of chapter 15 of Title 50, War and National Defense, prior to editorial reclassification in Title 50, and is now classified principally to subchapter V (§3141 et seq.) of chapter 44 of Title 50. For complete classification of this Act to the Code, see Tables.

#### PRIOR PROVISIONS

A prior section 3511, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2822; amended Pub. L. 99-500, §101(m) [title VIII, §818], Oct. 18, 1986, 100 Stat. 1783-308, 1783-339, and Pub. L. 99-591, §101(m) [title VIII, §818], Oct. 30, 1986, 100 Stat. 3341-308, 3341-339, related to establishment and operation of a Federal Information Locator System prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3511, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, provided for penalty for failure to furnish information, prior to the general amendment of this chapter by Pub. L. 96-511.

#### AMENDMENTS

2019—Pub. L. 115-435 amended section generally. Prior to amendment, section related to establishment and operation of Government Information Locator Service.

2014—Subsec. (a)(3). Pub. L. 113-235 substituted “Director of the Government Publishing Office” for “Public Printer”.

#### EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 115-435 effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115-435, set out as a note under section 306 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

### § 3512. Public protection

(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this subchapter if—

(1) the collection of information does not display a valid control number assigned by the Director in accordance with this subchapter; or

(2) the agency fails to inform the person who is to respond to the collection of information that such person is not required to respond to the collection of information unless it displays a valid control number.