

POLICY AND PROCEDURAL GUIDELINES

Pub. L. 106-554, §1(a)(3) [title V, §515], Dec. 21, 2000, 114 Stat. 2763, 2763A-153, provided that:

“(a) IN GENERAL.—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

“(b) CONTENT OF GUIDELINES.—The guidelines under subsection (a) shall—

“(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

“(2) require that each Federal agency to which the guidelines apply—

“(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

“(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

“(C) report periodically to the Director—

“(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

“(ii) how such complaints were handled by the agency.”

§ 3517. Consultation with other agencies and the public

(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this subchapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

(2) take appropriate remedial action, if necessary.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 182; 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 3517, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2824, related to consultation with other agencies and the public prior to the general amendment of this chapter by Pub. L. 104-13.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-398 substituted “subchapter” for “chapter” in introductory provisions.

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.

§ 3518. Effect on existing laws and regulations

(a) Except as otherwise provided in this subchapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this subchapter.

(b) Nothing in this subchapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

(c)(1) Except as provided in paragraph (2), this subchapter shall not apply to the collection of information—

(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

(B) during the conduct of—

(i) a civil action to which the United States or any official or agency thereof is a party; or

(ii) an administrative action or investigation involving an agency against specific individuals or entities;

(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

(2) This subchapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

(d) Nothing in this subchapter shall be interpreted as increasing or decreasing the authority conferred by sections 11331 and 11332¹ of title 40 on the Secretary of Commerce or the Director of the Office of Management and Budget.

(e) Nothing in this subchapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and

¹ See References in Text note below.

Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

(Added Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 183; amended Pub. L. 104-106, div. E, title LI, § 5131(e)(2), Feb. 10, 1996, 110 Stat. 688; Pub. L. 105-85, div. A, title X, § 1073(h)(5)(C), Nov. 18, 1997, 111 Stat. 1907; Pub. L. 106-398, § 1 [[div. A], title X, § 1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; Pub. L. 107-217, § 3(l)(7), Aug. 21, 2002, 116 Stat. 1302.)

REFERENCES IN TEXT

Reorganization Plan No. 1 of 1977, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

Executive order, referred to in subsec. (b), probably means Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, which is set out as a note under section 305 of Title 47, Telecommunications.

The Antitrust Civil Process Act, referred to in subsec. (c)(1)(C), is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, which is classified principally to chapter 34 (§ 1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

Section 13 of the Federal Trade Commission Improvements Act of 1980, referred to in subsec. (c)(1)(C), is classified to section 57b-1 of Title 15.

Executive Order No. 12333, referred to in subsec. (c)(1)(D), is Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, which is set out as a note under section 3001 of Title 50, War and National Defense.

Section 11332 of title 40, referred to in subsec. (d), was repealed by Pub. L. 107-296, title X, § 1005(a)(1), Nov. 25, 2002, 116 Stat. 2272, and Pub. L. 107-347, title III, § 305(a), Dec. 17, 2002, 116 Stat. 2960.

PRIOR PROVISIONS

A prior section 3518, added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2824, related to the effect on existing laws and regulations prior to the general amendment of this chapter by Pub. L. 104-13.

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-217 substituted “sections 11331 and 11332 of title 40” for “section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and the Computer Security Act of 1987 (40 U.S.C. 759 note)”.

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

1997—Subsec. (d). Pub. L. 105-85 substituted “Clinger-Cohen Act of 1996 (40 U.S.C. 1441)” for “Information Technology Management Reform Act of 1996”.

1996—Subsec. (d). Pub. L. 104-106 substituted “section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or” for “Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or”.

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 OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 702.

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.

§ 3519. Access to information

Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

(Added Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 183.)

PRIOR PROVISIONS

A prior section 3519, added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2825; amended Pub. L. 97-258, § 3(m)(3), Sept. 13, 1982, 96 Stat. 1066, related to access to information prior to the general amendment of this chapter by Pub. L. 104-13.

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.

§ 3520. Chief Data Officers

(a) ESTABLISHMENT.—The head of each agency shall designate a nonpolitical appointee employee in the agency as the Chief Data Officer of the agency.

(b) QUALIFICATIONS.—The Chief Data Officer of an agency shall be designated on the basis of demonstrated training and experience in data management, governance (including creation, application, and maintenance of data standards), collection, analysis, protection, use, and dissemination, including with respect to any statistical and related techniques to protect and de-identify confidential data.

(c) FUNCTIONS.—The Chief Data Officer of an agency shall—

(1) be responsible for lifecycle data management;

(2) coordinate with any official in the agency responsible for using, protecting, disseminating, and generating data to ensure that the data needs of the agency are met;

(3) manage data assets of the agency, including the standardization of data format, sharing of data assets, and publication of data assets in accordance with applicable law;

(4) in carrying out the requirements under paragraphs (3) and (5), consult with any statistical official of the agency (as designated under section 314 of title 5);

(5) carry out the requirements of the agency under subsections (b) through (d), (f), and (i) of section 3506, section 3507, and section 3511;

(6) ensure that, to the extent practicable, agency data conforms with data management best practices;

(7) engage agency employees, the public, and contractors in using public data assets and encourage collaborative approaches on improving data use;