
EPA Classification No.: CIO 2171.0	CIO Approval Date: 1/24/2008
CIO Transmittal No.: 08-006	Review Date: 1/2011

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

INFORMATION ACCESS POLICY

1. PURPOSE

This policy establishes the principles governing access to and dissemination of information products created, collected, maintained, and managed by EPA in order to provide the public and EPA staff with access to information.

2. SCOPE AND APPLICABILITY

This policy will apply to data and information products created or arranged for the purpose of providing access to EPA staff and/or the public (refer to Definitions Section 9.E). This specifically excludes correspondence, whether electronic or paper, records of telephone conversations, and documents that fall under Freedom of Information Act (FOIA) exemptions (Refer to EPA 1550 Freedom of Information Act Manual Chapter 7 for details). When access to information, as it is collected or maintained, is restricted by any authorized Federal or State requirements for confidentiality, privacy, national defense, or enforcement sensitive, or other authorized purpose, the information will be processed (e.g., aggregated, summarized, or characterized) as appropriate to provide access while meeting requirements for restriction. This policy will adhere to restrictions on the release of Confidential Business Information and to legislation such as the Privacy Act and the Toxic Substances Control Act, which establish restrictions and penalties for the improper release of information.

3. AUDIENCE

The audience for this Policy includes all EPA offices and regions, including contractors and grantees operating on behalf of EPA or using EPA funding sources.

4. BACKGROUND

Providing access to information is crucial to EPA's mission to protect human health and the environment. Access to environmental information facilitates public participation in environmental protection.

Before the emergence of the World Wide Web (also referred to as the Web and the Internet), access for citizens to government information was often provided through the Government Printing Office (GPO), the Federal Depository Library Program, and other public venues in hard copy formats. The use of electronic technology and the Internet has contributed to the decline of the use of printed publications by government agencies. Some agencies publish their documents directly to the Web without ever producing a paper document (this is referred to as "born digital"). Government agencies are still required, however, to work with GPO with regards to publications published in hard copy and electronic format. In addition to coordinating publications with GPO, agencies must also submit government-sponsored scientific, technical, engineering, and related business information to the National Technical Information Service (NTIS) as required by federal law, regulation or policy.

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All Federal Agencies, including EPA, must address the issue of information access and continually address social and technological changes in how the public accesses information. It is important for EPA to address these issues to ensure that all generations to come have access to EPA's information.

5. AUTHORITY

- A. Paperwork Reduction Act (PRA) of 1980, as amended by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)
 - B. American Technology Preeminence Act of 1991 (P.L. 102-245, 15 U.S.C. § 3704(b) (2))
 - C. Information Technology Management Reform Act of 1996 (absorbed under Clinger-Cohen Act of 1996) (40 U.S.C. § 1401)
 - D. E-Government Act of 2002 (P.L. 107-347, 44 U.S.C. Chapter 36)
 - E. Distribution and Sale of Public Documents (44 U.S.C. Chapter 17)
 - F. Depository Library Program (44 U.S.C. Chapter 19)
 - G. Records Management by Federal Agencies (44 U.S.C. Chapter 31)
 - H. National Archives and Records Administration Code of Federal Regulations, 36 CFR Subchapter B, Records Management:
 - I. Section 508 of the Rehabilitation Act (29 U.S.C. § 794(d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998
 - J. Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, August 11, 2000
 - K. Executive Order 12862, Setting Customer Service Standards, September 11, 1993
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6. POLICY

Access to government information is essential in order for EPA employees to accomplish EPA's mission of protecting human health and the environment and for citizens to be informed about their environment. It is EPA policy that all applicable Agency information products regardless of format (e.g., electronic (including the Internet), paper, etc. with exceptions noted under Section 2, Scope and Applicability) will be created, collected, maintained, and managed in a manner which will promote access.

- A. The Agency will provide an array of information products and services targeted to its customers (both internal and external). These products may be in electronic and/or hard copy formats.
 - B. The epa.gov Web site communicates the fullest array of Agency information, including: general information, program actions and activities, regulations, data, science and educational materials. EPA publications posted on the epa.gov Web site will adhere to this policy, the Web Governance and Management Policy, and other applicable EPA policies.
 - C. EPA will provide permanent access, in either electronic or non-electronic format, to EPA information products depicting EPA's environmental mission activities (i.e., EPA Records Schedule 250a), that are published **electronically (born digital)** and will ensure that these documents are inventoried, stored, retrieved and, as appropriate, made available to internal and external audiences.
 - D. EPA will provide permanent access, in either electronic or non-electronic format, to EPA information products depicting EPA's environmental mission activities (i.e., EPA Records Schedule 250a), that are published **in hard copy** and will ensure that these documents are inventoried, stored, retrieved and, as appropriate, made available to internal and external audiences.
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- E. Agency publications, as appropriate, will be digitized into the Agency's electronic repository for information products.
- F. EPA will comply with requirements for submitting publications (both hard copy and born digital) to the Government Printing Office (GPO) and/or the National Technical Information Service (NTIS).
- G. The Agency will follow the requirements for EPA's Publication Numbering System to ensure that all applicable EPA publications whether electronic (including born digital), paper or other format are easily identified and tracked by a (unique) EPA publication number.
- H. The Agency will adhere to its Customer Service and Public Access Standards when serving all external and internal customers.
- I. The Agency will make its electronic data and information products, which fall under the definition of "electronic and information technology" as defined by Section 508 of the Rehabilitation Act of 1973, accessible to people with disabilities.
- J. The Agency will provide appropriate access for people with Limited English Proficiency (LEP), to the extent resources allow, as well as consider ways to address other access barriers the public may face in obtaining information such as lack of Internet access.
- K. Information products will adhere to the EPA Information Quality Guidelines, EPA product review requirements and/or peer review requirements for scientific and technical documents, as applicable.
- L. The Agency will strive to ensure, as appropriate, that all information products resulting from a contract, an IAG (interagency agreement) or a grant, are made publicly available. Agency contracts, assistance agreements and grants will require that final deliverables, as defined in Records Schedule 258, be submitted, at a minimum, in electronic format.
- M. All new and enhanced data systems, data collections, and databases will be designed with consideration of the need to permit and facilitate public access to that information.
- N. The Agency will provide, where available, information on the uses and limits of each data product released to the public. The information provided may describe the Agency's purpose for collecting the data, the source of the data, the documented quality of the data, the Agency's application of the data, and limitations or cautions in using the data. The Agency may issue a disclaimer against using the data for other than the purpose intended, to minimize the risk of misinterpretations of the information.
- O. The Agency will encourage and facilitate the exchange of data and information across EPA programs and with Federal and State agencies.

7. RELATED DOCUMENTS

- A. OMB Memorandum M-98-09, Updated Guidance on Developing a Handbook for Individuals Seeking Access to Public Information, April 23, 1998
 - B. OMB Circular No. A-130, Management of Federal Information Resources, June 25, 1993
 - C. CIO Policy 2130.0 Accessible Electronic and Information Technology Policy [04/05/2006]
 - D. CIO Policy 2180.0 Web Governance and Management Policy [09/07/2006]
 - E. CIO Policy 2183.0 Access to Current and Outdated Information on EPA's Web Site [12/06/2004]
 - F. EPA Directive 2200.4A, EPA Publications Review Procedures [06/04/1984]
 - G. CIO Policy 2133.0 Data Standards [06/28/2007]
 - H. CIO Policy 2151.0 Privacy Policy [09/27/2007]
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- I. EPA 1550 Freedom of Information Act Manual
- J. Information Quality Guidelines
- K. EPA Records Schedule 250: Publications and Promotional Items
- L. EPA Records Schedule 258: Final Deliverables and Reports
- M. Administrator Christine Todd Whitman memorandum, "Streamlining of communications product development and approval; and, Delegation of final product approval", January 13, 2003
- N. Assistant Administrator Charles L. Grizzle memorandum, "Printing Control Officer Dissemination Role", March 28, 1991.
- O. David J. O'Connor memorandum, "Prohibition of Printing Services Under EPA Contracts", October 15, 1991.
- P. Freedom of Information Reform Act (FOIA) of 1986
- Q. Electronic Freedom of Information Act (EFOIA) of 1996
- R. Government Performance Results Act (GPRA) of 1993
- S. Pollution Prevention Act (PPA) of 1990
- T. Computer Security Act of 1987
- U. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, Title III of the Superfund Amendments and Reauthorization Act (SARA)
- V. Privacy Act of 1974
- W. Toxic Substances Control Act (TSCA) of 1976

8. ROLES AND RESPONSIBILITIES

- A. The **Chief Information Officer (CIO)** for EPA is responsible for overseeing the development and implementation of applicable Government-wide and Agency information technology (IT) legislation, policies, principles, standards, guidelines, records management, investment management, architecture, re-engineering, privacy and security, staff training, sharing and dissemination of information technology and other information management resources (IRM) functions.
- B. The **Office of Environmental Information (OEI)** will:
 1. Provide appropriate Agency-wide technology services related to public information.
 2. Provide guidance and technical assistance to Program Offices, Regions, and States in implementing the requirements of this policy.
 3. Develop appropriate data standards, quality assurance practices and procedures and security measures, including those related to Internet access, to enable data integration and consistency across program media.
 4. Provide implementation guidance under this policy as it applies to information collection requests under the Paperwork Reduction Act and their processing and submittal to the Office of Management and Budget (OMB).
 5. Provides records management guidance, oversight, and tools to program and region offices.
 6. Coordinate the implementation of electronic reporting of environmental information under regulatory programs.
 7. Promote EPA compliance with all applicable Federal statutes and regulations governing information management, security, and dissemination.
 8. Evaluate the effectiveness of Agency activities in achieving the goals of this policy, in part, by seeking and assessing customer feedback.
 9. Develop strategies that support information access.
- C. The **Office of Administration and Resources Management (OARM)** will:
 1. Provide an Agency-wide repository and dissemination point for EPA's printed and electronic publications (National Service Center for Environmental Publications - NSCEP).
 2. Design and manage an Agency-wide information ordering/tracking database for EPA

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publications, from which an online directory is produced and maintained.

3. Manage the EPA Publication Numbering System.
 4. Ensure that contract, grant and IAG language includes the requirement that deliverables be submitted in both paper and electronic format when appropriate.
- D. The **Office of Public Affairs (OPA)** will apply the requirements of this policy in its functions of monitoring non-technical Web and hard copy information products, and encourage and assist other Agency offices with the Agency's Product Review System.
- E. The **Office of General Counsel (OGC)** will review Agency information, upon request, to determine if correctly designated as legally restricted from public access under requirements such as confidentiality, privacy, national defense, or enforcement sensitivity.
- F. **Offices of the Administrator, Assistant Administrators, Associate Administrators, and Regional Administrators**, in their areas of responsibility, will:
1. Identify current and potential audiences, develop appropriate information products, respond to inquiries and disseminate information to the extent legally permissible and practicable.
 2. Implement appropriate data standards, quality assurance procedures, and security measures (including those related to Internet access) to ensure data integrity and to enable data integration and consistency across program media.
 3. Maintain the responsibility for official records and other records management requirements regarding publications and information products.
 4. Ensure that the information management practices and activities under their direction are in accord with this policy.
 5. Provide an electronic copy of each information product to OARM's Agency-wide electronic repository for information products.
 6. Seek customer feedback to assess the effectiveness of their program office's use of this policy in assuring public access to EPA information.
 7. Bear the burden of determining cost effectiveness of each new information product.
 8. Provide full disclosure of the uses and limits of each data product released to the public.
 9. Share responsibility to ensure restriction requirements for confidentiality, privacy, national defense, and enforcement sensitivity.
- G. The Office of the Inspector General will adhere to the Information Access Policy to the extent that it is not inconsistent with the Inspector General Act of 1978, as amended, or with the policies, procedures, and guidelines established by the Office of Inspector General.
- H. **Quality and Information Council (QIC)** serves as the Agency's forum for senior level policy deliberation and coordination on information technology / information management and related policy issues.

9. DEFINITIONS

- A. **"Agency information"** for the purpose of this policy is defined as information that is gathered or created, and maintained by EPA or data collected from other sources for which EPA accepts a stewardship role.
 - B. **"Born digital"** refers to a document that was created and exists only in digital format. Born digital information products may be subject to records management requirements.
 - C. **"Confidentiality"** refers to preventing the unauthorized or inappropriate disclosure of information. Information requiring protection from unauthorized disclosure includes confidential commercial business information, confidential Agency business information, Privacy Act information, law enforcement confidential information, procurement-sensitive information, budgetary information prior to OMB release, and information exempt from disclosure under the Freedom of Information
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- D. **“Correspondence”** refers to any written form of communication (paper or electronic media) including letters, notes, memoranda, and e-mail. (Source: U.S. EPA Correspondence Manual, Revised April 2007)
- E. **“Data product”** or **“information product”** is a collection of data or information created or arranged for the purpose of providing access to EPA staff and/or the public. A data product or an information product may be, but is not limited to, a publication, a fact sheet, a Web site, a brochure, and multimedia such as a video, a CD or DVD. Journal articles are not subject to this policy as they are information products of the journal, not the Agency.
- F. **“Digitization”** is the conversion of hard copy documents into digital form. Digitized products are documents that have been converted into digital form.
- G. **“Electronic repository”** as in OARM’s Agency-wide electronic repository for information products provides a central location for permanent public access to and preservation of EPA’s information products.
- H. **“Enforcement Sensitivity”** refers to information or records which are compiled for law enforcement purposes and release could reasonably be expected to:
 - i. interfere with enforcement proceedings;
 - ii. constitute an unwarranted invasion of personal privacy;
 - iii. disclose the identity of a confidential source; or
 - iv. risk circumvention of the law by revealing techniques, procedures or guidelines for investigations or prosecutions.
- I. **“EPA publication number”** is a unique number assigned to EPA publications. It is used for identification and tracking.
- J. **“Federal Depository Library Program”** (FDLP) is a program established by Congress and administered by the Government Printing Office (GPO) to ensure that the public has access to its Government’s information by providing government information to designated depository libraries throughout the United States. These depository libraries, in turn, provide local, no-fee access to government information to the public. The FDLP also provides access to government information electronically.
- K. **“Government information”** is information created, collected, processed, disseminated, or disposed of by or for the Federal Government.
- L. **“Information”** is a communication or representation of knowledge such as facts, data or opinions, including, but not limited to, numerical, graphic or narrative forms, whether oral or maintained in any medium, including computerized data bases, paper, microform, magnetic tape, etc.
- M. **“Information product”** or **“data product”** is a collection of data or information created or arranged for the purpose of providing access to EPA staff and/or the public. A data product or an information product may be, but is not limited to, a publication, a fact sheet, a Web site, a brochure, and multimedia such as a video, a CD or DVD. Journal articles are not subject to this policy as they are information products of the journal, not the Agency.
- N. **“Peer review”** is a documented critical review of a specific scientific and/or technical work product by qualified individuals who are independent of those who performed the work.
- O. **“Privacy”** is the right of an individual to have the information about him/her adequately protected to avoid the potential for substantial harm, embarrassment, inconvenience or unfairness.
- P. **“Publication”** refers to an information product such as general and technical literature including any manuals, handbooks, brochures, newsletters, or pamphlets developed for use by Agency staff or for distribution to regions, states, other government agencies, the regulated community, and the public. Publications may exist in any media. (EPA Records Schedule 250)
- Q. **“Publication Numbering System”** is the method used to assign EPA Publication Numbers (Definition I) to publications available through the National Service Center for Environmental Publications (NSCEP) in order to provide easier identification, tracking and dissemination.
- R. **“Records”** means all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction

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of public business, and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of the data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included (44 U.S.C. 3301).

10. WAIVERS

There are no waivers from this policy. There may be waivers or exemptions for certain specifications in the procedures and standards.

11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

In order for the Agency to comply with the principles of the Information Access Policy, the related procedures, standards, and guidance are provided in CIO 2171-P-01 Information Access Procedures.

12. MATERIAL SUPERSEDED

This policy supersedes IRM Policy Manual Chapter 21 Public Access.

13. ADDITIONAL INFORMATION

For further information about this Policy, please contact the Policy and Program Management Branch of the Information Access Division in Office of Information Analysis and Access, Office of Environmental Information.



*Molly A. O'Neil, Assistant Administrator
and Chief Information Officer
Office of Environmental Information*