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谢阳群 汪传雷 丁元耀 主编

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# 前 言

随着信息化、网络化的不断推进,信息活动越来越深入、广泛地渗透到人类社会的所有领域。这不仅极大地推动了人类社会的发展,也带来了巨大的挑战——加强对信息活动的管理。信息立法是世界各国实施信息管理的重要手段。本书节选编入了美国颁布的 27 部相关法律,可作为信息管理、电子商务、工商管理、图书情报、计算机通讯、法律、金融证券、保险、经济、知识产权和科技管理等专业的参考教材,也可供在政府部门、金融保险部门、工商税务部门、信息管理部门、知识产权部门、科学研究部门、公司企业、高等学校等从事信息管理实践工作的人员参考。

参加本书编写人员的分工如下:

谢阳群负责编写的是第 1、2、3、4、5、6、7、13、16、21、24 部分;

汪传雷负责编写的是第 8、9、10、11、12、14、15、22 部分;

丁元耀负责编写的是第 17、18、19 部分;

李德华负责编写的是第 20、23、24 部分;

张晓华负责编写的是第 25、26 部分。

# 目 录

1. Paperwork Reduction Act of 1995 .....	1
2. Freedom of Information Act .....	21
3. The Privacy Act of 1974 .....	30
4. Government in the Sunshine Act .....	43
5. National Recording Preservation Act of 2000 .....	48
6. Federal Reports Elimination Act of 1998 .....	58
7. Reports Consolidation Act of 2000 .....	74
8. Telecommunications Act of 1996 .....	77
9. Mobile Telecommunications Sourcing Act .....	146
10. Wireless Telephone Protection Act .....	153
11. The Next Generation Internet Research Act of 1998 .....	156
12. Digital Millennium Copyright Act .....	162
13. Fair Credit Reporting Act .....	207
14. Electronic Signatures in Global and National Commerce Act .....	238
15. Internet Tax Freedom Act .....	249
16. No Electronic Theft (net) Act .....	258
17. Freedom to E-File Act .....	261
18. Internet False Identification Prevention Act of 2000 .....	264
19. Technology Administration Act of 1998 .....	266
20. Technology Transfer Commercialization Act of 2000 .....	271
21. Information Technology Management Reform Act .....	279
22. Computer Crime Enforcement Act .....	304
23. Truth in Regulating Act of 2000 .....	306
24. Right to Financial Privacy Act .....	309
25. Open-Market Reorganization for the Betterment of International Telecommunications Act .....	325
26. Government Paperwork Elimination Act .....	336

# 1. PAPERWORK REDUCTION ACT OF 1995

(Public Law 104 – 13)

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

## S1. SHORT TITLE

This Act may be cited as the “Paperwork Reduction Act of 1995”.

## S2. COORDINATION OF FEDERAL INFORMATION POLICY

Chapter 35 of title 44, United States Code, is amended to read as follows:

### CHAPTER 35 —COORDINATION OF FEDERAL INFORMATION POLICY

Sec.

3501. Purposes.

3502. Definitions.

3503. Office of Information and Regulatory Affairs.

3504. Authority and functions of Director.

3505. Assignment of tasks and deadlines.

3506. Federal agency responsibilities.

3507. Public information collection activities; submission to Director; approval and delegation.

3508. Determination of necessity for information; hearing.

3509. Designation of central collection agency.

3510. Cooperation of agencies in making information available.

3511. Establishment and operation of Government Information Locator Service.

3512. Public protection.

3513. Director review of agency activities; reporting; agency response.

3514. Responsiveness to Congress.

3515. Administrative powers.

3516. Rules and regulations.

3517. Consultation with other agencies and the public.

- 3518. Effect on existing laws and regulations.
- 3519. Access to information.
- 3520. Authorization of appropriations.

## SEC. 3501. PURPOSES

The purposes of this chapter are to —

- (1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;
- (2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;
- (3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;
- (4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;
- (5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;
- (6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;
- (7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;
- (8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to —
  - (A) privacy and confidentiality, including section 552a of title 5;
  - (B) security of information, including the Computer Security Act of 1987 (Public Law 100 – 235); and
  - (C) access to information, including section 552 of title 5;
- (9) ensure the integrity, quality, and utility of the Federal statistical system;
- (10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and
- (11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

## SEC. 3502. DEFINITIONS

As used in this chapter —

- (1) the term “agency” means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include —
  - (A) the General Accounting Office;

- (B) Federal Election Commission;
  - (C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or
  - (D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;
- (2) the term "burden" means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for —
- (A) reviewing instructions;
  - (B) acquiring, installing, and utilizing technology and systems;
  - (C) adjusting the existing ways to comply with any previously applicable instructions and requirements;
  - (D) searching data sources;
  - (E) completing and reviewing the collection of information; and
  - (F) transmitting, or otherwise disclosing the information;
- (3) the term "collection of information" —
- (A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either —
    - (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or
    - (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and
  - (B) shall not include a collection of information described under section 3518(c)(1);
- (4) the term "Director" means the Director of the Office of Management and Budget;
- (5) the term "independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;
- (6) the term "information resources" means information and related resources, such as personnel, equipment, funds, and information technology;
- (7) the term "information resources management" means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;
- (8) the term "information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;
- (9) the term "information technology" has the same meaning as the term "automatic data processing equipment" as defined by section 111(a) (2) and (3) (C) (i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));
- (10) the term "person" means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision;



- (11) the term "practical utility" means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;
- (12) the term "public information" means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public;
- (13) the term "recordkeeping requirement" means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to —
  - (A) retain such records;
  - (B) notify third parties, the Federal Government, or the public of the existence of such records;
  - (C) disclose such records to third parties, the Federal Government, or the public; or
  - (D) report to third parties, the Federal Government, or the public regarding such records; and
- (14) the term "penalty" includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit.

### SEC. 3503. OFFICE OF INFORMATION AND REGULATORY AFFAIRS

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

### SEC. 3504. AUTHORITY AND FUNCTIONS OF DIRECTOR

- (a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public. In performing such oversight, the Director shall —
  - (A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and
  - (B) provide direction and oversee —
    - (i) the review and approval of the collection of information and the reduction of the information collection burden;
    - (ii) agency dissemination of and public access to information;
    - (iii) statistical activities;
    - (iv) records management activities;
    - (v) privacy, confidentiality, security, disclosure, and sharing of information; and
    - (vi) the acquisition and use of information technology.
- (2) The authority of the Director under this chapter shall be exercised consistent with applicable law.
- (b) With respect to general information resources management policy, the Director shall —
  - (1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;
  - (2) foster greater sharing, dissemination, and access to public information, including through —
    - (A) the use of the Government Information Locator Service; and
    - (B) the development and utilization of common standards for information collection, storage, pro-

cessing and communication, including standards for security, interconnectivity and interoperability;

- (3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;
  - (4) oversee the development and implementation of best practices in information resources management, including training; and
  - (5) oversee agency integration of program and management functions with information resources management functions.
- (c) With respect to the collection of information and the control of paperwork, the Director shall —
- (1) review and approve proposed agency collections of information;
  - (2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition and payment, and to reduce information collection burdens on the public;
  - (3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;
  - (4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and
  - (5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.
- (d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to —
- (1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and
  - (2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.
- (e) With respect to statistical policy and coordination, the Director shall —
- (1) coordinate the activities of the Federal statistical system to ensure —
    - (A) the efficiency and effectiveness of the system; and
    - (B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;
  - (2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;
  - (3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning —
    - (A) statistical collection procedures and methods;
    - (B) statistical data classification;
    - (C) statistical information presentation and dissemination;
    - (D) timely release of statistical data; and
    - (E) such statistical data sources as may be required for the administration of Federal programs;
  - (4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;
  - (5) promote the sharing of information collected for statistical purposes consistent with privacy rights

and confidentiality pledges;

- (6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;
  - (7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;
  - (8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall —
    - (A) be headed by the chief statistician; and
    - (B) consist of —
      - (i) the heads of the major statistical programs; and
      - (ii) representatives of other statistical agencies under rotating membership; and
  - (9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which —
    - (A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and
    - (B) all costs of the training shall be paid by the agency requesting training.
- (f) With respect to records management, the Director shall —
- (1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;
  - (2) review compliance by agencies with —
    - (A) the requirements of chapters 29, 31, and 33 of this title; and
    - (B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and
  - (3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.
- (g) With respect to privacy and security, the Director shall —
- (1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;
  - (2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987, and related information management laws; and
  - (3) require Federal agencies, consistent with the Computer Security Act of 1987, to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.
- (h) With respect to Federal information technology, the Director shall —
- (1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services —
    - (A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and
    - (B) oversee the development and implementation of standards under section 111(d) of the Federal

Property and Administrative Services Act of 1949:

- (2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949;
- (3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;
- (4) ensure, through the review of agency budget proposals, information resources management plans and other means —
  - (A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and
  - (B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and
- (5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

**SEC. 3505. ASSIGNMENT OF TASKS AND DEADLINES**

(a) In carrying out the functions under this chapter, the Director shall —

- (1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent during each of fiscal years 1996 and 1997 and 5 percent during each of fiscal years 1998, 1999, 2000, and 2001, and set annual agency goals to —
  - (A) reduce information collection burdens imposed on the public that —
    - (i) represent the maximum practicable opportunity in each agency; and
    - (ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and
  - (B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;
- (2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and
- (3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include —
  - (A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;
  - (B) plans for —
    - (i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;
    - (ii) enhancing public access to and dissemination of, information, using electronic and other formats; and
    - (iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and
  - (C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may, after consulta-

tion with the agency head, waive the application of any administrative directive issued by an agency with which the project is conducted, including any directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

## SEC. 3506. FEDERAL AGENCY RESPONSIBILITIES

- (a) (1) The head of each agency shall be responsible for —
- (A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and
  - (B) complying with the requirements of this chapter and related policies established by the Director.
- (2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.
- (B) The Secretary of the Department of Defense and the Secretary of each military department may each designate senior officials who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated, the respective duties of the officials shall be clearly delineated.
- (3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.
- (4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.
- (b) With respect to general information resources management, each agency shall —
- (1) manage information resources to —
    - (A) reduce information collection burdens on the public;
    - (B) increase program efficiency and effectiveness; and
    - (C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;
  - (2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;
  - (3) develop and maintain an ongoing process to —
    - (A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;
    - (B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and
    - (C) establish goals for improving information resources management's contribution to program

productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

- (4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and
- (5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

(c) With respect to the collection of information and the control of paperwork, each agency shall —

- (1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to —

(A) review each collection of information before submission to the Director for review under this chapter, including —

- (i) an evaluation of the need for the collection of information;
- (ii) a functional description of the information to be collected;
- (iii) a plan for the collection of the information;
- (iv) a specific, objectively supported estimate of burden;
- (v) a test of the collection of information through a pilot program, if appropriate; and
- (vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

(B) ensure that each information collection —

- (i) is inventoried, displays a control number and, if appropriate, an expiration date;
- (ii) indicates the collection is in accordance with the clearance requirements of section 3507; and
- (iii) informs the person receiving the collection of information of —
  - (I) the reasons the information is being collected;
  - (II) the way such information is to be used;
  - (III) an estimate, to the extent practicable, of the burden of the collection;
  - (IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and
  - (V) the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number; and

(C) assess the information collection burden of proposed legislation affecting the agency;

- (2)(A) except as provided under subparagraph (B) or section 3507(j), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to —

- (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;
- (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- (iii) enhance the quality, utility, and clarity of the information to be collected; and
- (iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

(B) for any proposed collection of information contained in a proposed rule [ to be reviewed by the

Director under section 3507(d)], provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

- (3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507 —

- (A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;
- (B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;
- (C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as —
  - (i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;
  - (ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or
  - (iii) an exemption from coverage of the collection of information, or any part thereof;
- (D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;
- (E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;
- (F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;
- (G) contains the statement required under paragraph (1)(B)(iii);
- (H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;
- (I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and
- (J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

- (d) With respect to information dissemination, each agency shall —

- (1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through —
  - (A) encouraging a diversity of public and private sources for information based on government public information;
  - (B) in cases in which the agency provides public information maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and
  - (C) agency dissemination of public information in an efficient, effective, and economical manner;
- (2) regularly solicit and consider public input on the agency's information dissemination activities;
- (3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and
- (4) not, except where specifically authorized by statute —
  - (A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;
  - (B) restrict or regulate the use, resale, or redissemination of public information by the public;

- (C) charge fees or royalties for resale or redissemination of public information; or
- (D) establish user fees for public information that exceed the cost of dissemination.

(e) With respect to statistical policy and coordination, each agency shall —

- (1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;
- (2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;
- (3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;
- (4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;
- (5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and
- (6) make data available to statistical agencies and readily accessible to the public.

(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

(g) With respect to privacy and security, each agency shall —

- (1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;
- (2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and
- (3) consistent with the Computer Security Act of 1987, identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

(h) With respect to Federal information technology, each agency shall —

- (1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;
- (2) assume responsibility and accountability for information technology investments;
- (3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;
- (4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and
- (5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is —
  - (A) integrated with budget, financial, and program management decisions; and
  - (B) used to select, control, and evaluate the results of major information systems initiatives.



## SEC. 3507. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION

- (a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information —
- (1) the agency has —
    - (A) conducted the review established under section 3506(c)(1);
    - (B) evaluated the public comments received under section 3506(c)(2);
    - (C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and
    - (D) published a notice in the Federal Register —
      - (i) stating that the agency has made such submission; and
      - (ii) setting forth —
        - (I) a title for the collection of information;
        - (II) a summary of the collection of information;
        - (III) a brief description of the need for the information and the proposed use of the information;
        - (IV) a description of the likely respondents and proposed frequency of response to the collection of information;
        - (V) an estimate of the burden that shall result from the collection of information; and
        - (VI) notice that comments may be submitted to the agency and Director;
  - (2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and
  - (3) the agency has obtained from the Director a control number to be displayed upon the collection of information.
- (b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).
- (c) (1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.
- (2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.
  - (3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2) —
    - (A) the approval may be inferred;
    - (B) a control number shall be assigned without further delay; and
    - (C) the agency may collect the information for not more than 1 year.
- (d) (1) For any proposed collection of information contained in a proposed rule —
  - (A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and
  - (B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;