




EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

December 17, 2004

M-05-04

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Clay Johnson III 
Deputy Director for Management

SUBJECT: Policies for Federal Agency Public Websites

The efficient, effective, and appropriately consistent use of Federal agency public websites is important to promote a more citizen centered government. This memorandum and attachment fulfill the requirements of section 207(f) of the E-Government Act of 2002 (Pub. L. No. 107-347). Overall, the management of agencies' public websites should be in compliance with Federal information resource management law and policy.

Federal agency public websites are information resources funded in whole or in part by the Federal government and operated by an agency, contractor, or other organization on behalf of the agency. They present government information or provide services to the public or a specific non-Federal user group and support the proper performance of an agency function. Federal agency public websites are also information dissemination products as defined in Office of Management and Budget (OMB) Circular A-130, "Management of Federal Information Resources." Agencies must manage Federal agency public websites as part of their information resource management program following guidance in OMB Circular A-130, OMB "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies" (67 FR 5365), this memorandum, and other information policy issuances.

OMB expects prompt and orderly implementation of the policies in this memorandum and its attachment. OMB expects agencies to become fully compliant with new requirements by 12/31/05 and continue to adhere to existing requirements. OMB will monitor agency compliance with these policies as part of its oversight of agency information resource management programs. The recommendations and best practices published by the Interagency Committee on Government Information (<http://www.webcontent.gov>) will aid your implementation of the policies outlined in the attachment.

If you have any questions regarding this memorandum, please contact Kimberly Nelson (202) 395-3787 Knelson@omb.eop.gov, or Daniel Costello (202) 395-7857 Dcostell@omb.eop.gov, Policy Analysts, Information Policy and Technology Branch, Office of Management and Budget.

Attachment

Policies for Federal Agency Public Websites

1. Establish and Maintain Information Dissemination Product Inventories, Priorities, and Schedules
 - A. Your agency is already required under OMB Circular A-130 and the Paperwork Reduction Act to disseminate information to the public in a timely, equitable, efficient, and appropriate manner¹ and to maintain inventories of information dissemination products.
 - B. Section 207 of the E-Government Act² requires your agency to develop priorities and schedules for making Government information available and accessible to the public, in accordance with public comment, and to post this information on your agency's website. Section 207 also requires your agency to report to OMB, as part of the agency's annual E-Government Act report, the final determinations of inventories, priorities, and schedules your agency has made.
 - C. Your agency must also post to your agency's website any updates to your agency's final determination of inventories, priorities, and schedules, and include this information in your agency's annual E-Government Act report.

2. Ensure Information Quality
 - A. Your agency is already required under the Information Quality Act and associated guidelines³ to maximize the quality, objectivity, utility, and integrity of information and services provided to the public. This includes making information and services available on a timely and equitable basis.
 - B. Agencies must reasonably assure suitable information and service quality, consistent with the level of importance of the information. Reasonable steps include: 1) clearly identifying the limitations inherent in the information dissemination product (e.g., possibility of errors, degree of reliability, and validity) so users are fully aware of the quality and integrity of the information or service, 2) taking reasonable steps to remove the limitations inherent in the information, and 3) reconsidering delivery of the information or services.

3. Establish and Enforce Agency-wide Linking Policies
 - A. Agencies must now establish and enforce explicit agency-wide linking policies describing management controls for linking within and beyond the agency.
 - B. These policies must appropriately limit external linking to information or services necessary for the proper performance of an agency function.
 - C. Agency linking policies must also include reasonable management controls to assure external links remain active or otherwise continue to provide the level of quality (including objectivity, utility, and integrity) as intended by the agency and expected by users.

1 OMB Circular A-130, "Management of Federal Information Resources," section 8 (a)(5) available at <http://www.whitehouse.gov/omb/circulars/a130/a130trans4.pdf>; *see also*, The Paperwork Reduction Act available at http://www.archives.gov/federal_register/public_laws/paperwork_reduction_act/3501.html

2 E-Government Act of 2002, Pub. L. No. 107-347, section 207(f)(2).

3 Information Quality Act, Pub. L. No. 106-554, section 515; *see also*, "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies" (67 FR 5365) and your agency's Information Quality Act guidelines.

D. OMB's Information Quality guidelines exclude hyperlinks from the definition of information. This exclusion does not remove agency responsibility to exercise due diligence when determining whether to link externally. Therefore, when an agency determines external links are necessary for and material to the presentation of agency information or the delivery of services in the proper performance of an agency function, they must take reasonable steps to ensure the presentation is accurate, relevant, timely, and complete.

E. Agencies must reasonably assure suitable information and service quality, consistent with the level of importance of the information. Reasonable steps include: 1) clearly identifying the limitations inherent in the information dissemination product (e.g., possibility of errors, degree of reliability, and validity) so users are fully aware of the quality and integrity of the information or service, 2) taking reasonable steps to remove the limitations inherent in the information, and 3) reconsidering linking to the information or services. Agency links to commercial organizations or interest groups present special challenges with respect to maintaining agency objectivity and thus must be used judiciously.

F. Agency linking policies must identify mandatory links and post (or link to) the following information on their principal website and any known major entry points to their sites: 1) the agency's strategic plan and annual performance plans; 2) descriptions of agency organizational structure, mission and statutory authority; 3) information made available under the Freedom of Information Act; 4) specific website privacy policies; 5) FirstGov.gov; 6) summary statistical data about equal employment opportunity complaints filed with the agency and written notification of "Whistleblower" rights and protections as required by the No Fear Act of 2002; 7) the agency point of contact for small businesses as required by the Small Business Paperwork Relief Act of 2002; and 8) other cross-government portals or links required by law or policy.

4. Communicate with the Public, State, and Local Governments.

A. Your agency is already required under OMB Circular A-130⁴ to establish and maintain communications with members of the public and with State and local governments to ensure your agency creates information dissemination products meeting their respective needs.

B. Your agency is already required under the Paperwork Reduction Act to manage information collections from the public or State and local governments (including website surveys or questionnaires) in the manner prescribed in OMB's guidance in 5 CFR section 1320. For additional information see:

http://www.access.gpo.gov/nara/cfr/waisidx_99/5cfr1320_99.html

5. Search Public Websites.

A. You are already required under OMB Circular A-130 to assist the public in locating government information.⁵

B. You must now ensure your agency's principal public website and any major entry point include a search function. However, agencies may determine in limited circumstances (e.g., for small websites) site maps or subject indexes are more effective than a typical search function.

⁴ OMB Circular A-130, "Management of Federal Information Resources," section 8 (a)(6) available at <http://www.whitehouse.gov/omb/circulars/a130/a130trans4.pdf>; *see also*, The Paperwork Reduction Act available at http://www.archives.gov/federal_register/public_laws/paperwork_reduction_act/3501.html

⁵ *Id.* at section 8 (a)(5).

C. By December 31, 2005, this search function should, to the extent practicable and necessary to achieve intended purposes, permit searching of all files intended for public use on the website, display search results in order of relevancy to search criteria, and provide response times appropriately equivalent to industry best practices.

D. By December 31, 2005, agency public websites should to the extent practicable and necessary to achieve intended purposes, provide all data in an open, industry standard format permitting users to aggregate, disaggregate, or otherwise manipulate and analyze the data to meet their needs.

E. Agencies should note the Interagency Committee on Government Information has provided to OMB recommendations for organizing, categorizing, and searching for government information. By December 17, 2005, OMB will issue any necessary additional policies in this area.

6. Use Approved Domains.

A. Your agency must use only .gov, .mil, or Fed.us domains unless the agency head explicitly determines another domain is necessary for the proper performance of an agency function.

B. This requirement recognizes the proper performance of agency functions includes an obligation for clear and unambiguous public notification of the agency's involvement in or sponsorship of its information dissemination products including public websites. It also recognizes in certain limited circumstances other domains may be necessary for the proper performance of an agency function.

7. Implement Security Controls.

A. Your agency is already required to implement security policies in OMB Circular A-130, Appendix III; OMB memorandum M-04-25, "Reporting Instructions for the Federal Information Security Management Act and Updated Guidance on Quarterly IT Security Reporting;" National Institute of Standards and Technology (NIST) Special Publication 800-44, "Guidelines on Securing Public Web Servers;" and other associated guidance from NIST. For additional information see:

<http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html>,

<http://csrc.nist.gov/policies/FISMA-final.pdf>,

<http://www.whitehouse.gov/omb/memoranda/fy04/m04-25.pdf>,

<http://csrc.nist.gov/publications/nistpubs/800-44/sp800-44.pdf>

B. Your agency is already required to provide adequate security controls to ensure information is resistant to tampering to preserve accuracy, remains confidential as necessary, and the information or service is available as intended by the agency and expected by users. Agencies must also implement management controls to prevent the inappropriate disclosure of sensitive information.

8. Protect Privacy.

A. Your agency is already expected to protect the privacy of information about members of the public by continuing to implement OMB Circular A-130 Appendix I and OMB memorandum M-03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002." For additional information see:

<http://www.whitehouse.gov/omb/memoranda/m03-22.html>

9. Maintain Accessibility.

A. Your agency is already required to ensure accessibility for individuals with disabilities by implementing Section 508 of the Rehabilitation Act (29 U.S.C. 794d). Federal agency public websites must be designed to make information and services fully available to individuals with disabilities. For additional information see: <http://www.access-board.gov/index.htm>

B. Your agency is already required to provide appropriate access for people with limited English proficiency by implementing Department of Justice guidance for Executive Order 13166, "Improving Access to Services for People with Limited English Proficiency."

Agencies must determine whether any individual document on their Federal agency public website(s) requires translation. For additional information see:

<http://www.usdoj.gov/crt/cor/Pubs/lepqa.htm>

10. Manage Records.

A. You are already required to meet records management requirements by implementing OMB Circular A-130 and guidance from the National Archives and Records Administration. See 36 Code of Federal Regulations (CFR), Parts 1220-1238). For additional information see: http://www.archives.gov/records_management/index.html