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Excerpt from:

**Recommended Policies and Guidelines for Federal Public Websites
Final Report of the Interagency Committee on Government Information
Submitted to The Office of Management and Budget
June 9, 2004**

6. POLICY: ORGANIZATIONS MUST CONTINUE TO COMPLY WITH EXISTING

FEDERAL LAWS, REGULATIONS AND POLICIES. In addition to the particular actions discussed above, this guidance reiterates existing federal laws and regulations, general directives from previous Presidential and OMB memoranda, and other policies regarding federal public Web sites. Organizations should continue to follow these requirements, as indicated. Note: Given that this section reiterates existing requirements, we have not included exceptions, implementation guidance, or an implementation deadline under each item, as we have in other sections of this document. Organizations should refer to the individual citations for these details.

The Web Content Managers Toolkit will also provide additional guidance, best practices, and examples to help web content managers as they continue to implement these requirements.

a. **Requirement: Federal Public Websites Must Comply with Privacy Requirements.** All federal public websites must comply with existing laws and directives that address the need to protect the privacy of the American people when they interact with their government. Some of the key requirements for federal public Web sites include: (1) conducting privacy impact assessments; (2) posting privacy policies on each website; (3) posting a “Privacy Act Statement” that tells visitors the organization’s legal authority for collecting personal data and how the data will be used; and (4) translating privacy policies into a standardized machine-readable format. Organizations should review the following laws and regulations related to privacy protections to ensure that their public Web sites meet the full range of requirements:

- OMB Memorandum 03-22, OMB Guidance for Implementing the Privacy Provisions of the EGovernment Act of 2002: <http://www.whitehouse.gov/omb/memoranda/m03-22.html>.
- E-Government Act of 2002, Section 207(f)(1)(B): http://www.archives.gov/about_us/basic_laws_and_authorities/egov_act_Section_207.html.
- Privacy Act of 1974: <http://www.usdoj.gov/foia/privstat.htm>.

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- OMB Circular A-130, App 1:
http://www.whitehouse.gov/omb/circulars/a130/a130appendix_i.html.
- Children's Online Privacy Protection Act of 1998 (COPPA):
<http://www.ftc.gov/ogc/coppa1.htm>.

b. **Requirement: Federal Public Websites Must Have Security Protocols to Protect Information.** All federal public websites must comply with Section 207(f)(1)(b)(iv) of the E-Gov Act of 2002, which requires organizations to have security protocols to protect information.

- E-Gov Act of 2002, Section 207(f)(1)(b)(iv):
http://www.archives.gov/about_us/basic_laws_and_authorities/egov_act_section_207.html.

c. **Requirement: Federal Public Websites Must Ensure Access for People with Disabilities.** All federal public websites must continue to comply with the requirements of Section 508 of the Rehabilitation Act (29 U.S.C. 794d), designed to make online information and services fully available to individuals with disabilities. Organizations should review Section 508 and accompanying guidance to ensure that their public websites meet the requirements:

- Section 508 of the Rehabilitation Act:
<http://www.access-board.gov/sec508/guide/act.htm>.
- Guidance for Implementing Section 508:
<http://www.section508.gov/index.cfm>.

d. **Requirement: Federal Public Websites Must Comply with the Freedom of Information Act (FOIA).** All federal public websites must comply with existing laws and directives that relate to the Freedom of Information Act. The principal requirement is that websites must have a page that includes certain content as required by the Freedom of Information Act (FOIA). This page should include information about how the public can request information under the Act. Organizations should review the FOIA and implementation guidance to ensure that their public Web sites meet the full range of requirements:

- Freedom of Information Act:
<http://www.usdoj.gov/04foia/foiastat.htm>.
- Implementation guidance from the Department of Justice:
<http://www.usdoj.gov/oip/foiapost/2003foiapost9.htm>.

e. **Requirement: Federal Public Websites Must Comply with Information Quality Guidelines.** All federal public websites must comply with Public Law 106-554, "Guidelines for Ensuring and Maximizing the Quality

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Objectivity, Utility, and Integrity of Information Disseminated by Federal Organizations.” This law requires federal organizations to issue guidelines for “ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal organizations.” Organizations should review the Act and implementation guidance to ensure that their public Web sites meet the requirements:

- Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001: Public Law 106-554, “Guidelines for Ensuring and Maximizing the Quality Objectivity, Utility, and Integrity of Information Disseminated by Federal Organizations”:
<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>.

f. **Requirement: Federal Public Websites Must Provide Appropriate Access for People with Limited English Proficiency.** Organizations must comply with existing requirements of Executive Order 13166, “Improving Access to Services for People with Limited English Proficiency,” based on Title VI of the Civil Rights Act of 1964, which bans discrimination on the basis of national origin. Agencies must specifically follow guidance related to agency Web sites.

- See Executive Order 13166, “Improving Access to Services for People with Limited English Proficiency:”
<http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>
- Department of Justice guidance for implementing the Executive Order:
<http://www.usdoj.gov/crt/cor/Pubs/lepqa.htm>.
This includes guidance on federal public Web sites.

g. **Requirement: Federal Public Websites Must Comply with the Paperwork Reduction Act (PRA).** All federal public websites must comply with the Paperwork Reduction Act (44 U.S.C. Chapter 35) to ensure that information collected from the public minimizes burden and maximizes public utility. One of the principal requirements of the PRA is that organizations must have OMB approval before collecting information from the public (such as forms, general questionnaires, surveys, instructions, and other types of collections), and they must display the current OMB control number on the collection. Organizations should review the PRA and implementation guidance to ensure their public Web sites meet the full range of requirements:

- Paperwork Reduction Act:
http://www.archives.gov/federal_register/public_laws/acts.html#pra.

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- Paperwork Reduction Act, Section 3501, “Public Information Collection Activities”:
http://www.archives.gov/federal_register/public_laws/paperwork_reduction_act/3507.html.
- Guidance from OMB: “Paperwork Requirements”:
<http://www.whitehouse.gov/omb/inforeg/infocoll.html>.

h. **Requirement: Federal Public Websites Must Comply with the Government Paperwork**

Elimination Act (GPEA). All federal public websites must comply with the Government Paperwork Elimination Act (GPEA, Pub. L. 105-277). The Act requires that, when practicable, federal organizations use electronic forms, electronic filing, and electronic signatures to conduct official business with the public, by 2003. Organizations should review the Act to ensure that their public Web sites meet the full range of requirements:

- Government Paperwork Elimination Act (GPEA):
http://www.archives.gov/records_management/policy_and_guidance/electronic_signature_technology.html.

i. **Requirement: Federal Public Websites Must Comply with Records Management Requirements.** All federal public websites must comply with existing laws and regulations related to the management of public web records. This includes the need for organizations to comply with necessary policies and standards to implement the E-Government Act of 2002, Section 207(e), “Public Access to Electronic Information,” which will be issued by December 2005. Organizations should review existing laws and regulations to ensure their public Web sites meet the full range of requirements:

- Code of Federal Regulations (CFR), Parts 1220—1238:
http://www.archives.gov/about_us/regulations/subchapter_b.html.
- E-Gov Act of 2002, Section 207(e), “Public Access to Electronic Information”:
http://www.archives.gov/about_us/basic_laws_and_authorities/egov_act_section_207.html.

In addition, NARA will be issuing policy and requirements for the capture and transfer of a government-wide snapshot of federal public Web sites at the end of an Administration.

j. **Requirement: Federal Public Websites Must Comply with Digital Rights, Copyright, Trademark, and Patent Laws.** Most content on federal public Web sites is in the public domain and should not include copyright or other intellectual property notices. However, when an organization uses or duplicates information available from the private sector as part of an

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information resource, product or service, the organization must ensure that the property rights of the private sector source are adequately protected. These protections apply to any material posted to federal public websites, such as documents, graphics, or audio files. Organizations should also review content to determine if it is subject to international copyright laws. Organizations should review the relevant laws and regulations to ensure that their public websites meet the full range of requirements:

- Digital Millennium Copyright Act:
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ304.105.pdf.
- Copyright Law: <http://www.copyright.gov>.
- U.S. Trademark Law:
<http://www.uspto.gov/web/offices/tac/tmlaw2.html>.
- U.S. Patent Law, U.S. Code 35, Chapter 26:
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+35USC261.

k. **Requirement: Federal Public Websites Must Comply with the Government Performance and Results Act (GPRA).** All federal public websites must comply with Government Performance and Results Act of 1993, which requires organizations to make their annual performance plans readily available to the public.

- Government Performance Results Act of 1993:
<http://www.whitehouse.gov/omb/mgmtgpra/gplaw2m.html>.

l. **Requirement: Federal Public Websites Must Comply with the No Fear Act.** All federal public websites must comply with the existing No Fear Act Notification and Federal Employee Anti-discrimination and Retaliation of 2002 (No Fear Act) Public Law No. 107-174). Organizations should review the relevant law to ensure that their public Web sites meet the full range of requirements:

- No Fear Act Notification and Federal Employee Anti-discrimination and Retaliation of 2002. (No Fear Act) Public Law No. 107-174):
http://www.hhs.gov/eo/no_Fear_act_of_2001.html.

m. **Requirement: Federal Public Websites Must Comply with the Small Business Paperwork Relief Act.** All federal public Web sites must comply with Small Business Paperwork Relief Act of 2002, which requires organizations to designate a single point of contact for small businesses, and to post the contact information on the organization's Web site.

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- Small Business Paperwork Relief Act of 2002:
<http://www.whitehouse.gov/omb/infoereg/sbpra102803.html>.
- n. **Requirement: Federal Public Websites Must Comply with Restrictions on Lobbying.** All federal public Web sites must comply with existing laws that prohibit federal public websites from being used for direct or indirect lobbying. Organizations should review the relevant law to ensure that their public Web sites meet the full range of requirements:
 - “Prohibition of Lobbying,” Title 18, Section 1913 of the U.S. Code:
<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browseusc&docid=Cite:+18USC1913>.
- o. **Requirement: Federal Public Websites Must Comply with Upcoming Requirements to Categorize Information.** All federal public Web sites must comply with upcoming policies and standards to implement the E-Government Act of 2002, Section 207(d), which are being developed based on recommendations from the ICGI’s Categorization of Information Working Group.