

## **CIOP CHAPTER 1351.34 Data Management Policy**

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### **Section 34.1 Purpose**

The purpose of this document is to establish a common understanding of the roles and responsibilities of the U.S. Department of Transportation (DOT) offices and personnel involved in data and information management. This document describes policies for enhancing practices concerning planning, collecting, processing, disseminating, sharing, safeguarding, and evaluating data and information. This policy establishes requirements for regularly assessing the quality of DOT data and information. This policy also establishes requirements that data and information are evaluated through feedback loops with internal and external users and are continually evaluated for improvement and innovation opportunities.

This policy describes the authorities covering data and information management delegated to the Chief Information Officer (CIO) by the Secretary of Transportation in Title 49 of the Code of Federal Regulations (CFR), Part 1, including the Paperwork Reduction Act of 1995 as amended by the Information Quality Act (Pub. L. 106-554), the E-Government Act of 2002 (Pub. L. 107-347), the Confidential Information Protection and Statistical Efficiency Act of 2002 (Title V, Pub. L. 107-347), the Federal Information Technology Acquisition Reform Act (Pub. L. 113-291) and the hierarchy of responsibilities for data and information management. This policy also delineates responsibilities for statistical data and information, scientific and technical data and information, and spatial data and information.

Taken together, these laws and their implementing regulations and policies outline the activities that ensure data and information are managed to improve the Department's productivity, efficiency, and effectiveness while improving the integrity, quality, accuracy, and utility of information to all users in and outside the agency. This includes capabilities for ensuring dissemination of public data and information, public access to government data and information, and protections for privacy and security.

Strong data and information management practices are essential for meeting DOT's mission responsibilities and reporting requirements under laws like the Government Performance and Results Act of 1993 (Pub. L. 103-62), as amended, and the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended.

More recent legislation, including the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141), the Digital Accountability and Transparency Act (Pub. L. 113-101), and Executive Branch guidance have outlined the characteristics of a 21st century-approach to data and information management, placing an increased emphasis on a presumption of openness and sharing while protecting privacy and security, promoting machine-readability, and using voluntary consensus standards. Applying a continued presumption of openness with a 21st-century approach to data and information management offers new opportunities to engage with users of data and information. Users of DOT data and information have unique opportunities to add value and create potentially transformative effects (e.g., building knowledge, stimulating industry, promoting adoption). The Department's data and information become more valuable for evidence-based policy and decision-making when our stakeholders in the academic, public, and private sectors are able to add insight through access and interaction.

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### **Section 34.2 Background**

In support of its mission to ensure a safe, efficient, accessible, and convenient transportation system that meets our vital national interests and enhances the quality of life, DOT collects, creates, accesses, processes, manages, disseminates, and uses significant amounts of data and information every day. DOT is committed to managing this data and information in an efficient and effective manner, consistent with applicable laws.

#### Data and Information Management Lifecycle

Data and information are important assets to DOT. They are used to help meet and further mission objectives, report on program performance and results, steward financial resources, and support day-to-day operations. Like many assets, data and information are managed according to a lifecycle:

##### *Planning*

DOT must consider internal and external user data and information needs, and develop management plans when planning data and information systems. Each DOT Secretarial Office and Operating Administration (referred to herein

collectively as DOT Components) may tailor planning processes as necessary based on specific mission requirements.

### *Collecting*

Where practicable, DOT must collect data and information in electronic form, and ensure that all DOT data and information are described in a standard manner so that they are discoverable. DOT must ensure that all internal and external users of data can understand existing DOT data and information prior to collecting new data. For the purposes of this policy, “discoverable” means the technical attributes of data and information that facilitate human- and machine-readable metadata for the purposes of indexing, searching, and accessing data and information; this meaning is separate from the legal sense of “discoverable” as potential evidence in a proceeding.

### *Processing*

Processing is the method by which data are verified, organized, and extracted in a manner that maximizes its interoperability. Both raw and processed data require thorough documentation to ensure that results can be reproduced and to ensure the utility and integrity of the data.

### *Disseminating and Sharing*

DOT will consider the needs of internal and external users to develop data and information that are relevant, provisioned in the most appropriate form, and made available to the widest appropriate audience. DOT must apply a continued presumption of openness<sup>1</sup> for all DOT data and information, indicating the intellectual property status of such data and information and ensuring that DOT does not engage in restrictive practices when disseminating data and information.

### *Evaluating*

To ensure that data and information are well-maintained and useful, data and information must conform to a basic standard of quality. Protocols and methods must be employed to ensure that data are properly collected, handled, processed, used, and maintained at all stages of the lifecycle. All protocols and methods must be properly followed in order to meet the basic standards.

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## **Section 34.3 Scope and Applicability**

### Scope

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<sup>1</sup> To the extent permitted by law and subject to privacy, confidentiality, and national security restrictions.

This policy applies to all digital data and information (both statistical and non-statistical) in all media.<sup>2</sup>

This policy applies to all unclassified data and information that DOT generates, collects, acquires or generates under contract, or sponsors in research or other financial assistance agreements.<sup>3</sup>

This policy also applies to data and information that DOT gathers from other parties if DOT intends to rely on or disseminate that data and information.

This policy applies to non-statistical agency uses of data and information collected with a promise of confidentiality under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA).<sup>4</sup>

In addition to the requirements stated in this policy, all data and information collected, maintained, disseminated, and disposed of by the Department must adhere to existing DOT policies and implementation guidance.

### Applicability

With limited exceptions, this policy applies to DOT Components.<sup>5</sup>

This policy does not apply to releases of information made under the Freedom of Information Act (5 U.S.C. § 552) or the Privacy Act (5 U.S.C. § 552a); these statutes have their own requirements for the matters addressed in this policy.

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## **Section 34.4 Policy**

Data and information are assets and should be treated and handled accordingly by applying data and information lifecycle management practices. This ensures that all data and information is managed commensurate with DOT mission needs.

34.4.1 DOT will record, preserve, and make available sufficient data and information to ensure the management and accountability of agency programs, and maintain

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<sup>2</sup> This policy establishes general standards for data collection, analysis, documentation, sharing and dissemination. Additional responsibilities and requirements related to data and information collected or created for statistical purposes are outlined in 44 U.S.C. § 3506(e), 49 U.S.C. Chapter 63 and reinforced in Statistical Policy Directive No. 1 (79 FR 71609).

<sup>3</sup> Financial assistance agreements include, but are not limited to: grants, loans, cooperative agreements, or other transactions.

<sup>4</sup> Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (72 FR 33362; see paragraph I.G. for additional detail). The Bureau of Transportation Statistics has additional responsibilities and guidance when using CIPSEA for statistical purposes.

<sup>5</sup> All recommendations and requirements contained in this policy are applicable to all DOT Components, but only to the extent that such requirements and recommendations are consistent with the expressed language contained in 49 U.S.C. §§ 106, 40110, 40121, Chapter 63, and Statistical Policy Directive No. 1 (79 FR 71609). The Office of Inspector General (OIG) and the Bureau of Transportation Statistics (BTS) are not DOT Components as defined in this policy, but will issue internal policies consistent with this policy and work with the DOT Chief Data Officer when consistent with OIG and BTS independence.

information sufficient to protect the legal and financial rights of the Federal government.

34.4.2 DOT will seek to satisfy new data and information needs through interagency or intergovernmental open sharing or through commercial sources, as appropriate, before creating or collecting new data and information.

34.4.3 DOT will ensure that all researchers develop and adhere to plans for preserving and sharing scientific and technical data.

34.4.4 DOT will not indemnify contractors and/or other extramural researchers if a product generated with DOT data or information causes any harm.

#### Described and Discoverable

Data and information need to be fully described so that users have sufficient information to understand their strengths, weaknesses, analytical limitations, security requirements, and how to process them.

34.4.5 DOT will adopt, establish, and implement standards for describing agency data and information and how the public may gain access to it. To the extent practical, such standards will be compatible with those used in industry practice to facilitate interoperability between Federal and non-federal stakeholders.

34.4.6 DOT will maintain and publicly share a human- and machine-readable Enterprise Data Inventory at <https://www.transportation.gov/data> that describes all data, whether or not they are disseminated, using common core and extensible metadata.<sup>6</sup> This does not include classified databases, where the existence of the database is classified.

34.4.7 DOT will document data schemas and dictionaries for all data and information and, as applicable, will share such documentation with internal and external partners.

#### Quality

Quality is integral to every step of the data and information management lifecycle. Quality ensures the timeliness, accuracy, completeness, consistency, integrity, objectivity, utility, and accessibility of the data and information.

34.4.8 DOT will issue and maintain information quality guidelines.

34.4.9 DOT will adopt or establish basic quality standards for all information and data.

34.4.9.1 These standards will be supplemented to address the needs of specific categories of data as necessary.

34.4.10 DOT will establish a process of review and documentation of the quality (including the objectivity, utility, and integrity) of data and information.

34.4.11 DOT will maintain administrative mechanisms allowing affected persons to seek and obtain correction of inaccurate or incomplete information maintained and disseminated by the agency.

#### Safeguarded

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<sup>6</sup> <https://project-open-data.cio.gov/v1.1/schema/>

Data and information must be safeguarded for the purpose of protecting national and private interests, including honoring copyright, international or tribal agreements, confidentiality, privacy, trade secrets, and compliance with other requirements established by statute and regulation.

34.4.12 Consistent with applicable laws, regulations, policies, and legal/contractual agreements, DOT will provide adequate opportunity for contractors, grantees, and other partners to assert copyright, subject to review and approval by DOT where appropriate and applicable.

#### Relevant and Managed

Data and information producers should maintain bilateral conversations with users throughout the data and information lifecycle. Producers should make data and information available to the widest array of potential users in an effort to ensure the relevance and utility of their data and information, and to stay up-to-date about innovative uses of data and information.

34.4.13 DOT will communicate and consult with members of the public, other Federal agencies, and State and local governments through <http://www.transportation.gov/data> directly and through other means as necessary to:

34.4.13.1 Determine whether data and information are discoverable and usable, consistent with the Department's mission and applicable laws;

34.4.13.2 Determine the most usable and appropriate formats for data and information, including Section 508-compliant data and information;

34.4.13.3 Facilitate and prioritize what data and information to release; and

34.4.13.4 Collect and respond to complaints about DOT's data information management practices.

34.4.14 DOT will communicate with stakeholders regarding substantial changes, modifications, or terminations for data and information that is made available to the public.

#### Interoperable and Standardized

Data and information are most valuable when they can be shared, reducing the redundancy of collection efforts across Components and harnessing traceability for frequent use.

34.4.15 To the extent practical, DOT will reduce the redundancy of collection efforts and will share data and information across DOT Components, consistent with applicable laws, regulations, and policies.

34.4.15.1 DOT will ensure information system designs are scalable, flexible, and that they facilitate extraction of data and information in multiple formats.

34.4.16 DOT will coordinate and harmonize data elements across collection points and will ensure traceability of data to facilitate reuse within DOT.

34.4.17 DOT will use industry-recognized, machine-readable, and open formats for collected or created data and information.

34.4.17.1 To the extent permitted by law, formats will be non-proprietary, publicly available, and no restrictions should be placed upon their use.

34.4.17.2 DOT will only use proprietary formats when no open format is available, or when the use of open formats is not appropriate to support effective use.

34.4.18 DOT will use voluntary consensus standards and Federal Information Processing Standards where appropriate or required to promote interoperability, standardized exchanges, and openness.

34.4.19 DOT will seek to satisfy new data and information needs through interagency, intergovernmental, open sharing, or commercial sources as appropriate before creating or collecting new data and information.

### Disseminated

When DOT disseminates data and information it does not discriminate against any person or group of persons. DOT makes data available to the widest range of users for the widest range of purposes by providing multiple formats for consumption, including accessible formats and versions in languages other than English, as appropriate and practical.

34.4.20 DOT will maintain a presumption in favor of openness with respect to data and information to the extent permitted by law and subject to privacy, confidentiality, security, or other restrictions.

34.4.21 DOT will establish and implement processes for pre-dissemination review and evaluation of data to ensure appropriate protection, quality, documentation, and traceability of the released data and information.

34.4.22 DOT will disseminate data and information as soon as possible following its collection, subject only to the limits imposed by resources, technology, and data quality, while protecting security, privacy, and confidentiality.

34.4.22.1 DOT will not impede the prompt dissemination of data out of deference to later publication by staff, collaborators, or other organizations.

34.4.23 DOT will disseminate data and information on equitable and timely terms.

34.4.23.1 DOT will provide live or real-time data feeds when technically possible, and snapshots of regularly updated data as an option only when limited by technical issues.

34.4.24 DOT will identify source information collections or databases in its data and information dissemination.

34.4.25 DOT shall establish usage agreements<sup>7</sup> with those parties seeking to analyze safeguarded, sensitive data and information, establishing the limits of use, propagation, proper storage, and destruction.

### Minimizing Restrictions

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<sup>7</sup> To include Memoranda of Understanding or Agreement, Inter-Agency Agreement, and other similar tools.

Data and information are most useful when made available quickly, maximizing the value and relevance of the data. Scheduling the frequency and speed of release should take into account the short- and long-term needs of key audiences.

34.4.26 DOT will clearly indicate that data and information it produces is free from copyright protection within the United States, in accordance with U.S.C. § 105.

34.4.26.1 DOT will waive international copyright through the use of open licenses when practical and appropriate to facilitate maximum reuse.<sup>8</sup>

34.4.26.2 DOT will seek to have data and information produced through funding agreements marked with the least possible restrictive open license.

34.4.26.3 When acquiring data and information for its own use, DOT will seek the least possible restrictive licensing terms. DOT will always exercise its rights in data, in accordance with Part 27.4 of the Federal Acquisition Regulation.

34.4.27 DOT will avoid establishing restrictions or regulations, including the charging of fees or royalties, on the reuse, resale, or redissemination of DOT data and information by the public. When DOT determines that charges are appropriate:

34.4.27.1 DOT will set such charges at a level sufficient to recover the cost of dissemination, but no higher.

34.4.27.2 DOT may set charges at less than the cost of dissemination if higher charges would constitute a significant barrier to agency function, including reaching members of the public that the agency has a responsibility to inform.

34.4.28 DOT may only charge fees or royalties that include costs associated with the original collection and processing of the information when:

34.4.28.1 Expressly permitted by statute;

34.4.28.2 The disseminated data and information is for the benefit of a specific, identifiable group that is not the general public; or

34.4.28.3 The Office of Management and Budget (OMB) determines an exception is warranted.

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### **Section 34.5 Roles and Responsibilities**

This section defines the roles key to implementing Departmental Data and Information Management activities, as well as data and information management responsibilities associated with each role. Provided below is a summary listing of the roles and the levels in the organization where they reside.

#### **Department Level**

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<sup>8</sup> Because government works are in the public domain under 17 U.S.C. § 105, DOT may not require that government works be cited when they are used, remixed, or consumed by third parties. DOT may only courteously request acknowledgement as the source of the data. In exercising this responsibility, the CDO will consult with Department Intellectual Property counsel.



- Department Chief Information Officer
- Department Chief Data Officer
- Department Geospatial Information Officer
- Assistant Secretary for Research and Technology
- Director, Bureau of Transportation Statistics
- Senior Procurement Executive
- General Counsel

### **Component Level**

- Component Chief Information Officer
- Component Chief Contracting Office
- Component Chief Counsel

### **Department Level**

34.5.1 Accountability for directing DOT's data and information management, and for all information resource management functions, resides with the **DOT Chief Information Officer (DOT CIO)**. The DOT CIO will:

34.5.1.1 Appoint a Departmental Chief Data Officer (CDO) to assist with implementation, evaluation, and administration issues around DOT data and information management.

34.5.1.2 Ensure a Departmental data and information management program is developed, documented, and implemented to support data and information management activities.

34.5.1.3 In coordination with the Director, Bureau of Transportation Statistics and the Assistant Secretary for Research and Technology, maintain a central policy-making role in the organization's development and evaluation of legislative, regulatory, and related policy proposals involving data and information management.

34.5.1.4 Ensure data and information management processes are integrated with DOT strategic and operational planning processes.

34.5.1.5 Provide resources to administer the Departmental data and information management program.

34.5.1.6 Promote data and information management and compliance throughout the Department.

34.5.2 Operation of the Departmental data and information management program is assigned to the **Department Chief Data Officer (CDO)**. The CDO will:

34.5.2.1 Communicate the strategic value of data and information management to internal stakeholders and the public.

34.5.2.2 Oversee the implementation of a robust Departmental data and information management program that includes the establishment of appropriate forums to adopt policies, procedures, and documentation consistent with applicable laws and regulations.

34.5.2.3 Ensure Component participation in Departmental data and information management forums and activities, including operating a Departmental Data Management Board in coordination with the Director, Bureau of Transportation Statistics, the Geospatial Information Officer, and other offices as needed.

34.5.2.4 Manage and release the DOT Enterprise Data Inventory.<sup>9</sup>

34.5.2.5 Lead or participate in the development and document the use of voluntary consensus standards and Federal Information Processing Standards as they apply to DOT data and information.

34.5.2.6 Issue and update, as appropriate, the DOT basic standard of data and information quality, and coordinate the development of specific standards of quality as applicable.

34.5.2.7 Develop guidance on and enforce the use of open licenses as applicable.

34.5.2.8 Review and approve any charges of fees or royalties for DOT data and information.

34.5.2.9 Maintain public feedback mechanisms for data and information.<sup>10</sup>

34.5.2.10 Work with DOT Components to assure that data and information released to the public are open, as appropriate, and that a point of contact is designated to assist users and respond to complaints about data management.

34.5.2.11 Engage entrepreneurs and innovators in the private and nonprofit sectors in collaboration with the DOT Components to encourage and facilitate the use of DOT data and information.

34.5.2.12 Work with DOT Components to facilitate compliance with this policy and scale best practices that promote excellence in data and information management.

34.5.2.13 Issue and update, as appropriate, policies and procedures for information correction, and work with DOT Components and the DOT Dockets Office to ensure implementation.<sup>11</sup>

34.5.3 The **Department Geospatial Information Officer (GIO)**, fulfilling his or her role for governing and managing DOT geospatial data, will:

34.5.3.1 Implement the requirements of this policy with respect to DOT spatial data and information.

34.5.3.2 Serve as the DOT representative to the Federal Geographic Data Committee (FGDC) and develop implementing guidance on spatial data and information standards and policy for DOT.

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<sup>9</sup> This shall be done in accordance with OMB and data.gov policy and functional requirements.

<sup>10</sup> See footnote No. 9

<sup>11</sup> Privacy Act information corrections are governed by the DOT Privacy Policy, DOT Order 1351.18

34.5.3.3 Promote the use of FGDC data standards, FGDC Content Standards for Digital Geospatial Metadata, and other appropriate standards, including documenting spatial data and information with the relevant metadata and making metadata available online.

34.5.3.4 Serve on International Civil Aviation Organization (ICAO) and industry panels making global decisions and/or recommendations about spatial data standards and sharing.

34.5.3.5 Coordinate and work in partnership with DOT Components; international, Federal, State, tribal and local government agencies; academia; and the private sector to efficiently and cost-effectively collect, integrate, maintain, disseminate, and preserve spatial data and information, building upon local data wherever possible.

34.5.3.6 Support emergency response activities requiring spatial data and information in accordance with provisions of the Stafford Act (42 U.S.C. 5121-5208) and other governing legislation.

34.5.3.7 Retain and coordinate all agreements regarding use of spatial data and information within DOT.

34.5.4 The **Assistant Secretary for Research and Technology (OST-R)**, fulfilling his or her role for coordinating DOT research and development activities, will:

34.5.4.1 Implement the requirements of this policy and the DOT Scientific Integrity Policy with respect to scientific research and the associated scientific and technical data and information, including scientific collections.<sup>12</sup>

34.5.4.2 Ensure that all intramural and extramural researchers receiving DOT funds for scientific research develop data management plans.

34.5.4.3 Ensure appropriate evaluation of the merits of submitted data management plans.

34.5.4.4 Ensure intramural and extramural researchers comply with data management plans and policies.

34.5.4.5 Promote the deposit of scientific and technical data and information in publicly accessible databases, including the National Transportation Library, as appropriate.

34.5.4.6 Coordinate with the CDO to develop approaches for identifying and providing appropriate attribution to scientific and technical data sets.

34.5.5 The **Director, Bureau of Transportation Statistics (BTS)**, exercising authorities already delegated in statute and 49 CFR Part 1 and acting as the primary statistical agency at DOT, will:

34.5.5.1 Work with the DOT CIO and operating administrations of the Department to improve the coordination of data collection efforts within DOT and with other Federal agencies.

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<sup>12</sup> [https://www.rita.dot.gov/rdt/sites/rita.dot.gov/rdt/files/scientific\\_integrity\\_policy.pdf](https://www.rita.dot.gov/rdt/sites/rita.dot.gov/rdt/files/scientific_integrity_policy.pdf)

34.5.5.2 Coordinate with the CIO to encourage the standardization of data, data collection methods, and data management and storage technologies for data collected by the Department by participating in Departmental data management activities.

34.5.5.3 Review the sources and reliability of the statistics proposed by Components to measure outputs and outcomes, as required by the Government Performance and Results Act of 1993.

34.5.5.4 Evaluate statistical programs for the use of reliable data sources and sound analytical techniques, including reproducibility standards, in consultation with relevant scientific and technical communities.

34.5.6 The **DOT Senior Procurement Executive (SPE)**, responsible for management direction of the DOT procurement system and supporting policies, will:

34.5.6.1 Promote the appropriate use of the required data rights clauses and terms in all applicable contracts and financial assistance agreements.

34.5.6.2 Ensure Chiefs of Contracting Offices (COCOs) enforce the requirements of data rights clauses and terms.

34.5.7 The **DOT General Counsel (OGC)**, as the chief legal officer of DOT, will:

34.5.7.1 Provide legal advice on compliance with this Order, consistent with applicable laws.

34.5.7.2 Provide legal advice regarding public release disclosure assessments and the adjudication of information correction requests.

34.5.7.3 Provide legal advice concerning intellectual property (IP) questions, including the use of open share licenses, copyrights, and other IP issues.

### **Component Level**

34.5.8 The **Heads of DOT Components** will:

34.5.8.1 Ensure Component information systems support interoperability and information accessibility, and that such systems are scalable, flexible, and facilitate data extraction in multiple formats.

34.5.8.2 In coordination with the Component CDO, ensure that new data and information needs comply with Section 34.4.2 of this policy prior to creating new data stores.

34.5.8.3 In coordination with the Component CDO, ensure data stores within the Component comply with open format requirements, as set forth in Section 34.4.17 of this order.

34.5.8.4 Designate a person/organization who has the authority (i.e. Component Chief Data Officer [CDO]) for ensuring Component compliance with this policy, Component data and information management policies, and Departmental and Component data and information standards. The **Component CDO** will:

34.5.8.4.1 Provide and maintain information required to reflect Component data and information in the DOT Enterprise Data Inventory.

34.5.8.4.2 Establish priorities for Component data schemas and dictionaries and ensure they are documented for all data and information.

34.5.8.4.3 Ensure new data and information needs comply with Section 34.4.2 of this policy prior to creating new data stores.

34.5.8.4.4 Ensure quality is established at levels appropriate to the nature and timeliness of Component data and information.

34.5.8.4.5 Establish a process of review and documentation of the quality of Component data and information.

34.5.8.4.6 Ensure the Component disseminates primary data with the finest possible level of granularity that is practicable and permitted by law and other requirements.

34.5.8.4.7 Participate in DOT data and information management forums, representing Component interests and facilitating Component compliance with Departmental data and information management decisions.

34.5.8.4.8 Review all data stores within Component to determine compliance with open format requirements, as set forth in Section 34.4.17 of this order. Create and implement a plan to obtain compliance with existing datasets.

34.5.8.4.9 Assist Component programs in applying articulated open data management principles in a consistent manner.

34.5.8.4.10 Implement information correction procedures.<sup>13</sup>

34.5.9 The **Component Chief of Contracting Office (COCO)**, responsible for supervision of OA procurement systems and compliance with Departmental procurement policies, will:

34.5.9.1 Ensure the appropriate use of the required data rights clauses and terms in all applicable contracts and financial assistance agreements.

34.5.9.2 Enforce the requirements of data rights clauses and terms.

34.5.10 The **Component Chief Counsel**, serving as the Component chief legal officer, will:

34.5.10.1 Provide legal advice on the Component's compliance with this Order, consistent with applicable laws.

34.5.10.2 Provide advice to the Component regarding public release disclosure assessments and the adjudication of information correction.

34.5.10.3 Consult with the Office of the General Counsel on IP issues that arise in the implementation of this Order.

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## **Section 34.6 Dates**

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<sup>13</sup> Note: Privacy Act information corrections are governed by the DOT Privacy Policy, DOT Order 1351.18

34.6.1 This policy is effective as of the date signed.

34.6.2 The provisions of this policy as they relate to scientific and technical data and information are effective as of December 31, 2015.

34.6.3 The provisions of this policy as they relate to the development of information systems that support interoperability are effective as of May 9, 2013, in accordance with the government-wide open data policy effective date.<sup>14</sup>

34.6.4 The provisions of this policy related to the quality of data and information that DOT disseminates reiterate the provisions of the DOT Information Quality Guidelines, published in August 2002 and effective as of October 1, 2002.

34.6.5 The provisions of this policy related to the incorporation of language into DOT contracts and financial assistance agreements are prospective in nature and only apply to agreements initiated after the effective date of this policy.

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### **Section 34.7 Cancellations**

34.7.1 This policy cancels and replaces DOT Order 1351.34, Departmental Data Release Policy.

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### **Section 34.8 Compliance**

34.8.1. DOT Components will comply with and support the implementation of a Departmental Data and Information Management program. This includes, but is not limited to, compliance with Federal policies, standards, and procedures.

34.8.2. This policy does not supersede any other applicable law, higher-level agency policy, or existing labor management agreement in place as of the effective date of this policy.

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### **Section 34.9 Waivers**

34.9.1. Compliance with this policy is mandatory.

34.9.2. DOT Components may request that the DOT Chief Data Officer grant a waiver of compliance based on a compelling business reason. In addition to an explanation of the waiver being sought, the DOT Component will provide the DOT Chief Data Officer: (1) justification; (2) what measures have been implemented to ensure that data management and open data principles have been implemented; (3) waiver period; and (4) milestones for achieving compliance. The DOT CDO will review the waiver request

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<sup>14</sup> Consistent with the issuance of OMB Memorandum M-13-13

and provide a decision in writing; any denial of a waiver request will provide a justification for the denial.

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## **Section 34.10 Approval**

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Acting Chief Information Officer, U.S. DOT

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## **Appendix A: Legal Authorities and Guidance**

### **Legislation**

- Government Performance and Results Act, as amended, Pub. L. 103–62
- Paperwork Reduction Act, as amended, 44 U.S.C. § 3501 et seq.
- Information Quality Act, Pub. L. 106–554
- E-Government Act of 2002, Pub. L. 107–347
- Confidential Information Protection and Statistical Efficiency Act of 2002, Pub. L. 107–347
- Federal Funding Accountability and Transparency Act, as amended, Pub. L. 109–282
- Federal Information Technology Acquisition Reform Act, Pub. L. 113-291
- Bureau of Transportation Statistics, as amended, 49 U.S.C. Chapter 63
- The Trade Secrets Act, 18 U.S.C. § 1901

### **National Policy, Directives and Memorandum**

- Executive Order 13642, Making Open and Machine-Readable the New Default for Government Information
- Presidential Memorandum on Transparency and Open Government
- OMB Circular A-4, Regulatory Analysis
- OMB Circular A-11, Preparation, Submission, and Execution of the Budget
- OMB Circular A-130, Management of Federal Information Resources
- Office of Science and Technology Policy Memorandum, Increasing Access to the Results of Federally Funded Scientific Research
- Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002, 72 FR 33361
- Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units, 79 FR 71609
- OMB Memorandum M-10-06, Open Government Directive
- OMB Memorandum M-11-02, Sharing Data While Protecting Privacy
- OMB Memorandum M-13-13, Open Data Policy
- OMB Memorandum M-14-06, Guidance for Providing and Using Administrative Data for Statistical Purposes

### **DOT Policies**

- Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by DOT



DOT Order 1351.34 Data Management Policy

- DOT Report for Implementing OMB's Information Dissemination Quality Guidelines

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## Appendix B: Glossary of Terms

**Data:** an elementary description of things, events, activities, and transactions that are recorded, classified, and stored, but not organized to convey any specific meaning. Data items can be numeric, alphabetic, figures, sounds, or images. (*Common Approach to Federal Enterprise Architecture*)

**Data, identifiable:** any tabulation, record, or file that can be used to establish individual or establishment identity, whether directly (using items such as name, address, or unique identifying number) or indirectly (by linking data with other information that uniquely identifies an individual or establishment). (*Adapted from DOT Order 1351.18, Privacy Risk Management*)

**Data, influential:** financial, scientific, or statistical information that any DOT component reasonably can determine “will have or does have a clear and substantial impact on important public policies or important private sector decisions.” (*OMB Information Quality Guidelines*)

**Data, non-public:** data that cannot be made public because of privacy, confidentiality, national security, or other valid restrictions established by applicable law. (*Adapted from OMB Memorandum M-14-06*)

**Data, open:** publicly available data structured in a way that enables the data to be fully discoverable by end users. (*OMB Memorandum M-13-13*)

**Dataset:** a collection of data presented in tabular or non-tabular form (*OMB Memorandum M-13-13*)

**Described:** the use of robust, granular metadata to document the strengths, weaknesses, analytical limitation, security requirements, data elements, data dictionaries and, if applicable, the purpose of collection, the population of interest, the sample characteristics, and the method of collection for a dataset. (*Adapted from OMB Memorandum M-13-13*)

**Discoverable:** means making metadata available for humans to read and machines to process (see: described above) (*Adapted from OMB Memorandum M-13-13*)

**Dissemination:** agency-initiated or sponsored distribution of data and information to the public (*OMB Information Quality Guidelines*)

**Information:** any communication or representation of knowledge such as facts, data or opinions in any medium or form, including textual, numerical, graphical, cartographic, narrative, or audiovisual forms. (*Common Approach to Federal Enterprise Architecture*)

**Information, confidential:** information supplied by individuals or organizations under a pledge of confidentiality. (*Adapted from Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 [CIPSEA]*)

**Information, statistical:** data and information collected through statistical methods such as surveys and censuses, alternative data sources such as those collected for administrative purposes, as well as any information about statistical activities and methods, such as analytical approaches, modeling, sample design, etc. (*Adapted from*

*proposed CIPSEA guidance and Guidance for Providing and Using Administrative Data for Statistical Purposes)*

**Information Exchange:** the machine-to-machine communication of data and information containing both business context and technical information. *(Adapted from the National Information Exchange Model)*

**Memorandum of Understanding/Agreement (MOU/A):** a document established between two or more parties to define their respective responsibilities in accomplishing a particular goal or mission. In the context of this policy, an MOU/A defines the responsibilities of two or more organizations for securely sharing safeguarded, sensitive data and information. *(Adapted from NIST SP800-47, Security Guide for Interconnecting Information Technology Systems)*

**Reproducibility:** documented methods are capable of being used on the same data set to achieve a consistent result. *(DOT Information Quality Guidelines)*

**Reusable:** the application of a license on data or information that places as few restrictions as possible on their use. *(Adapted from OMB Memorandum M-13-13)*

**Service Level Agreement (SLA):** an agreement between two or more parties that defines, but is not limited to, standards, timeliness, quality and documentation associated with the data and information that will be shared/disseminated.

**Statistic:** a numerical fact or datum, especially one computed from a sample. *(Random House Kernerman Webster's College Dictionary (2010))*

**Statistical activities:** the collection, processing, or tabulation of statistical data for publication, dissemination, research, analysis, or program management and evaluation. Statistical activities also include planning of statistical surveys and studies, including project design, sample design and selection, and design of questionnaires, forms, or other techniques of observation and data collection; training of statisticians, interviewers, or data processing personnel; publication or dissemination of statistical data and studies; methodological testing or statistical research; data analysis; forecasts or projections that are published or otherwise made available for government-wide or public use; statistical tabulation, dissemination, or publication of data collected by others; construction of secondary data series or development of models that are an integral part of generating statistical series or forecasts; management or coordination of statistical operations; and statistical consulting. *(The Value of Federal Statistics)*

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