

## **SECTION 515 ADMINISTRATIVE MECHANISM**

### **ENSURING AND MAXIMIZING THE QUALITY OF INFORMATION DISSEMINATED BY THE FEDERAL TRADE COMMISSION**

The Federal Trade Commission (FTC) strives to ensure that the information it disseminates to the public is of the highest quality, objectivity, utility and integrity. To this end, the Office of Management and Budget (OMB) and the FTC have issued guidelines for ensuring and maximizing the quality of information disseminated by the agency, in accordance with section 515 of Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub. L. No. 106-554 (“section 515”). You may view these guidelines through the following Web links:

- [OMB](#) (published 67 FR 8452, Feb. 22, 2002) [PDF 132K]
- [FTC](#) (October 1, 2002)

#### **How to Seek Correction of Information Disseminated by the FTC**

If you are seeking to obtain correction of information disseminated by the FTC because you believe the information does not comply with the information quality guidelines issued by OMB or the FTC, please submit your request, with the subject “Section 515 Request,” by e-mail to:

[515@ftc.gov](mailto:515@ftc.gov)

If you send us an e-mail, you should know that e-mail is not necessarily secure against interception before it reaches the Commission’s e-mail system. Therefore, if your

To learn how we may use the information you provide, please read our Privacy Policy at [www.ftc.gov/ftc/privacy.htm](http://www.ftc.gov/ftc/privacy.htm).

Please note that, to submit a correction request through this process, you must be an “affected person” (i.e., someone who may benefit from, be harmed by, or otherwise be affected by the disseminated information) and your request must relate to “information” that is “disseminated” by the FTC within the meaning of the OMB and FTC guidelines.

While such “information” can include, for example, information posted on the agency’s Web site, it does not include hyperlinks to information that others disseminate. It also does not include opinions, no matter where published, if the agency’s presentation makes it clear that what is being offered is someone’s opinion rather than fact or the agency’s own views.

Likewise, you may not use these procedures to request correction of the following matters, which are not “dissemination” of information under the applicable guidelines:

- Distribution limited to government employees or agency contractors or grantees
- Government information intended merely for intra- or inter-agency use or sharing
- Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law
- Any other correspondence with individuals or persons, including, but not limited to, written agreements with particular entities or parties, responses to specific requests for advisory opinions or other advice, etc.
- Press releases, unless they contain new substantive information not covered by a previous information dissemination subject to the guidelines
- Archival records (e.g., library materials)
- Public filings, including, but not limited to, submissions in rulemakings or other FTC proceedings or matters, requests, petitions, applications, supporting materials, etc., except to the extent the agency disseminates the data or information in a manner reasonably suggesting that the agency endorses or agrees with it, or the agency adopts, endorses, or cites the data or information as support for an agency regulation, guidance, or other agency decision or position;
- Subpoenas, including, but not limited to, civil investigative demands and other administrative subpoenas or compulsory process, subpoenas or discovery orders issued in adjudicative proceedings or court litigation, etc.

- Information products relating to or arising from adjudicatory processes, including, but not limited to, factual allegations made, evidence submitted, analyses prepared, findings and determinations made, and rulings or opinions issued in any administrative or judicial litigation or other adjudicatory matter
- Disclosures, notices, or other information initiated or sponsored by persons or entities other than the FTC, where the text of such disclosures, notices, or information is not explicitly prescribed or specified by the FTC itself (e.g., statutorily mandated text of warning labels on cigarette packages, disclosure language developed and used by regulated entities in order to satisfy legal standards established under FTC regulations, orders, or agreements).
- Studies, statements, or other issuances or publications by FTC employees, officials, contractors, consultants, or others who may be or have been paid, employed, or retained by the FTC, where the issuance or publication is not represented as being an official position of the agency or used by the agency in support of its official position.

### **How We Will Handle Your Section 515 Request**

Processing your initial request. Once the agency has received your request, it will be initially reviewed by the agency's Office of the General Counsel and forwarded to the office responsible for the information dissemination product for which the correction is being sought. The agency will provide an initial response to your request within 60 days, excluding weekends and Federal holidays. If the agency is unable to provide its initial response within the 60-day period, the agency will notify you of the estimated date for its initial response. (For example, in rulemakings, this initial response may be incorporated into the next appropriate rulemaking notice, as explained below.) Delays may also be required, for example, if you modify your original request, if we need to clarify your request, or if we need to consult with other offices or agencies that may have an interest in the matter, although the FTC shall be solely responsible for determining how to respond to your request.

Initial agency response. The agency's initial response will either grant or deny your request, in whole or part, and make appropriate corrections, if any. If your request relates to a matter in which there is an opportunity for public comment or participation with respect to the information, such as a rulemaking or public workshop, you may be required to seek correction of the information through the public comment or participation process and your request will be referred to the responsible agency staff for consideration and incorporation into the record of the relevant proceeding. Where appropriate, in lieu of an individualized response to your request, the agency may issue or provide you a form letter, press release, or mass mailing that corrects a widely disseminated error or that addresses a frequently raised complaint. In rulemakings, the agency, instead of responding within the 60-day period, may incorporate its response into the next appropriate rulemaking notice, unless you can show that actual harm would result from such a delayed response. In all cases, the correction process shall serve to address the genuine and valid needs of the agency and its constituents without disrupting agency processes. The agency

may reject claims made in bad faith or without justification, and shall undertake only the degree of correction that the agency concludes is appropriate for the nature and timeliness of the information involved.

Seeking reconsideration of the initial response. If you disagree with the agency's initial response, you will have 30 days, excluding weekends and Federal holidays, to appeal (i.e., file for reconsideration within the agency). The office that originally disseminates the information shall not have responsibility for both the initial response and resolution of your request for reconsideration. The agency will provide a response to your request for reconsideration within 60 days, excluding weekends and Federal holidays, unless it notifies you of a later date and explains the reason(s) for the delay. As noted earlier, if your request relates to information or data in a rulemaking proceeding, the Commission may, instead of responding within the 60-day period, use the next rulemaking notice to address your request, unless you can show that such a delayed response would cause you to suffer actual harm.

### **Availability of Section 515 Reports**

No later than each January 1, beginning in 2004, the agency is required to submit an annual fiscal-year report to the OMB Director on the number and nature of section 515 correction requests received by the agency and how the agency resolved those requests. Copies of these reports will be made publicly available through this Web page. The FTC will also make copies of requests for corrections and the agency's responses publicly available.