

INFORMATION DISSEMINATION POLICY STATEMENT

EFFECTIVE DATE: June 21, 2005

Supersedes

No.: SOD 72

Dated: 07/22/02

Subject: Withdrawal of Federal Information Products from GPO's Information Dissemination (ID) Programs

This policy statement governs official agency requests to withdraw, withhold or restrict access to information products or services available from GPO's Information Dissemination programs administered by the Managing Director, Information Dissemination, Superintendent of Documents (ID).

Background: The GPO has been the Government's principal agent for providing public access to Government information for over a century. The GPO takes very seriously any Federal agency's request to restrict access to Government information that has been made public. However, the GPO cooperates with Federal agencies in the appropriate distribution of the official information they publish.

Policy.

The Federal publishing agency is responsible for its own information products and, therefore only the agency:

- 1). determines the classification (security level) of its information products;
- 2). determines if withdrawal, withholding or restriction of access is necessary; and
- 3). determines information products releasable under the FOIA.

GPO ID requires the federal publishing agency head or designee to initiate an official request to withdraw, withhold, or restrict access to an information product.

A. First Contact. Federal publishing agency personnel contact GPO ID to:

- 1). inform GPO about a problem with a publication that may warrant withdrawal, withholding, replacement or removal of that publication from continued public access;
or
- 2). inquire about procedures for withdrawal, withholding, or restricting access to an agency publication.

B. Problems possibly warranting an Action include:

- 1). production (printing, software, mastering, etc.) errors;
- 2). content (editorial) errors;
- 3). presence of Classified or material that a federal publishing agency officially designates Sensitive But Unclassified including:
 - a. Information covered under the Privacy Act,
 - b. Protected Critical Infrastructure Information, and
 - c. Controlled Unclassified Information covered by FOIA exemptions; or
- 4). presence of material that is strictly administrative or For Official Use Only, distributed in error, unless subject to release under the Freedom of Information Act.

C. Referral to Deputy, Superintendent of Documents. Once first contact is made with GPO, the Information Dissemination Office receiving the initial contact from the publishing agency will immediately notify the Deputy, Superintendent of Documents providing the agency contact information, available product information and nature of the inquiry.

D. Initial Research. The Deputy, Superintendent of Documents will request research to fully identify the information product and verify that GPO Information Dissemination programs distributed the item. Specifically, the research will include:

- 1). the bibliographic description of the information product;
- 2). the timeframe and nature of original receipt of the document by GPO including review of the original Standard Form-1 (SF-1) or orders submitted under direct deal contracts with official agency identifier and distribution instructions that may be useful in the event of a recall;
- 3). the dissemination actions undertaken by GPO (formats in which distributed and to whom, including quantities, if applicable);
- 4). the options available to withdraw, withhold or restrict access to the information page;
- 5). if circumstances warrant, consultation with the Office of the General Counsel to ascertain the legality of the action.

E. Confirmation and Verification. Once the initial research has been completed, the Deputy, Superintendent of Documents will contact the publishing agency to:

- 1). confirm the initial request;
- 2). share additional information obtained through the research;
- 3). advise the publishing agency about GPO policy for such actions, including publishing agency responsibilities associated with removing and returning items to stock and refunds to sales customers, if applicable;
- 4). discuss alternative actions;
- 5). assess alternatives;
- 6). determine agency intent to pursue an Action; and
- 7). if the agency intends to proceed, request any missing documentation necessary to make the request complete and official.

F. Intent to Withdraw, Withhold or Restrict Access by a Publishing Agency. If after confirmation and verification, the publishing agency remains steadfast in its desire to initiate an

Action, the Deputy, Superintendent of Documents will notify the Superintendent of Documents and provide a briefing based upon the initial research. The briefing will include cost estimates for GPO and the federal publishing agency and a description of anticipated consequences, if applicable.

G. Superintendent of Documents. Prior to issuing an official directive for an Action, the Superintendent of Documents will:

- 1). contact the authorizing official of the publishing agency (head of the publishing agency or designee) requesting an Action to discuss the reason for the Action and its potential impact.
- 2). Explain alternative actions the publishing agency may pursue in lieu of withdrawal. If the publishing agency suspects a potential problem, but does not yet have a final decision regarding the withdrawal, it may request an information product that has not yet been disseminated “be held” for a limited period of time until a final determination is made.
- 3). Determine, jointly with the publishing agency, the most appropriate course of action to be taken. Options available may include:
 - a. do nothing;
 - b. temporarily holding stock held by GPO pending official decision, including freezing the sales record;
 - c. removal from the current Sales Program;
 - d. return to the publishing agency stock held by GPO, but not distributed;
 - e. recall from depository libraries by return to GPO, or the publishing agency with or without an audit to ensure compliance; and
 - f. removal of online access. The bibliographic record will remain in GPO’s Integrated Library System with an annotation about the Action, unless the record is deemed classified.
- 4). Explain the costs, if any, to the publishing agency when an action is taken. Costs may include one or more of the following:
 - a. reimbursement of GPO’s initial production and dissemination costs and the value of the inventory, if any;
 - b. reimbursement of GPO’s production and dissemination of replacement items;
 - c. expenses for issuing a recall and auditing copies returned by depository libraries or purchasers; and
 - d. expenses for refunding the purchase price to Sales Program customers.
- 5). Determine jointly with the federal publishing agency the content and nature of an announcement, including specific instructions; to the Federal Depository Libraries.
- 6). Explain the notification of Depository Library Council and professional library associations.
- 7). Obtain final agency decision and request an official agency notification in written format, with the signature of the agency head or designated senior management official, requesting the Action.

H. Official Request. The official request from the publishing agency must be made in writing to the Superintendent of Documents. It may be submitted by fax to expedite receipt and initiation of Action, but the signed original document shall be delivered. The official request must include the following:

- 1). Detailed bibliographic information to identify the information product;
- 2). Reason for the Action;
- 3). Description of the desired actions to be taken;
- 4). Desired effective date for the Action;
- 5). Signed statement from the publishing agency head, or authorized designee providing the authority for the action, responsibility for and acceptance of costs, if any, associated with the Action; and
- 6). Contact information (phone, fax, and e-mail) for the agency official authorized to approve the Action.

I. Official Communications. The Superintendent of Documents will ensure that appropriate official communications are prepared for and provided to the following entities:

- 1). The publishing agency will receive written confirmation of the action(s) being taken by GPO ID and agreement concerning the costs associated with the action, if any.
- 2). The ID Service Directors, the Director of Program Support, the Public Printer, the Chief of Staff, and the Offices of Congressional and Public Affairs will be notified in writing of the actions to be undertaken in response to the official request. If appropriate, the Office of Public Affairs will work with the public affairs office of the publishing agency to coordinate responses to press inquiries. The Office of Congressional Affairs will notify the authorizing committees and consult with other Congressional committees, if appropriate.
- 3). Depository Library Council members will also be given advance notice.
- 4). Depending upon the content of the publications, local representatives of some or all of the major library associations (American Library Association, American Association of Law Libraries, Association of Research Libraries, Special Libraries Association, and Medical Libraries Association) will also be notified.
- 5). Depository libraries and Sales program customers will receive official recall notices or other appropriate instruction notices about the Action.

J. Final Review and Consultation. When written communications are finalized, the Superintendent of Documents will:

- 1). Review all communications and consult one more time with the publishing agency to ensure complete understanding of the actions, responsibilities for and possible ramifications of the Action;
- 2). Ensure that Federal Depository Libraries understand that information products disseminated through the FDLP are federal property, and therefore, subject to recall by the federal government. As such, depository libraries are required to comply with the withdrawal request. Failure to comply is a breach of the partnership between GPO and Federal Depository Libraries and will be subject to review and appropriate action.

K. Implementation and Record of Actions. Implementation of the Action is the responsibility of the Director, Library and Customer Relations Service who will coordinate actions to be taken by the ID organization to withdraw the product from collections or distribution services. It is the responsibility of the Deputy, Superintendent of Documents to collect and maintain all written records, forms, and other information associated with an Action. The Director, Library and Customer Relations Service ensures:

- 1). Copies of withdrawn tangible items are transferred to the National Collection of U.S. Government Publications and/or an equivalent collection of the National Archives and Records Administration to be held without public access until such time as the restriction is lifted. If (when) the restriction is lifted, the content will be returned to public access through the appropriate ID collections or distribution programs.
- 2). Copies of electronic files withdrawn from *GPO Access* or the GPO electronic archive are maintained in the National Collection of U. S. Government Publications and/or an equivalent collection of the National Archives and Records Administration to be held without public access until such time as the restriction is lifted. If (when) the restriction is lifted, the content is returned to public access through the appropriate Information Dissemination programs.
- 3). The online bibliographic record will be maintained and annotated appropriately.
- 4). Information products withdrawn because of printing or content errors are to be replaced as expeditiously as possible and the official notification to Federal Depository Libraries will include an explanation of when and how the items will be replaced.
- 5). Compilation of a written report on the action is provided to the Deputy, Superintendent of Documents.

Limitations.

This policy pertains to all U.S. Government information products and services subject to the jurisdiction of the Superintendent of Documents. However, the following limitations apply.

- 1). Under the Sales Program, once sold, products are no longer the property of the Federal government and not subject to the same provisions as the materials held by Federal Depository Libraries. However, in cases of national security as determined by the federal publishing agency, GPO will work with agencies to determine what retrieval actions, if any, may be feasible.
- 2). Products disseminated through the International Exchange Service (IES) are distributed under international treaty. For Actions involving such materials, ID will consult with the appropriate officials of the Library of Congress to jointly determine what actions, if any, may be feasible.
- 3). A situation may arise that a federal publishing agency determines to be an emergency. Such situations will be handled with the utmost expediency as determined by the Superintendent of Documents.

Application.

This policy applies to all appropriate elements of Information Dissemination, as detailed in the referenced Office Procedure. The Managing Director, Information Dissemination, Superintendent of Documents must authorize any exceptions to this policy.

Reference.

Policies:

SOD 30 Freezing of Sales Publication and Subscription Items.

SOD 38 Excess, Obsolete, Damaged, and Destroyed Publications and Subscriptions

Others:

44 U.S.C. Chapters 17, 19, and 41, 2000 ed. Available at

<http://www.access.gpo.gov/uscode/title44/chapter17.html>,

<http://www.access.gpo.gov/uscode/title44/chapter19.html>, and

<http://www.access.gpo.gov/uscode/title44/chapter41.html>

U.S. Government Printing Office. Library Programs Service. *Instructions to Depository Libraries*. Washington, DC: Government Printing Office, 2000. Chapter 4, p. 20.

http://www.access.gpo.gov/su_docs/fdlp/pubs/instructions/instruct.pdf

Approved _____
Managing Director, Information Dissemination
Superintendent of Documents