

# **DRAFT**

## **1435 IAM** **POLICY FOR DATA MANAGEMENT**

**Revised:** 07/14/04; 8/24/04; 9/22/04; 10/05/04; 10/17/04; 10/19/04 4/27/05

### **Background.**

The Mission of the Office of Assistant Secretary - Indian Affairs and the Bureau of Indian Affairs (IA) includes fulfilling treaty, statutory and trust responsibilities and promoting self-governance and self-determination on behalf of tribal governments, American Indians and Alaska Natives. As a result, IA requires complex sets of data to support budget formulation, fund distribution, program management, and statutory and regulatory reporting processes.<sup>1</sup> Indian Affairs offices (e.g., central, regional, agency and field), and ~~tribes~~ tribes, who compact and contract over 50% of BIA programs, often receive multiple requests for data that are repetitive, time consuming and have unrealistic deadlines.

Indian Affairs offices and tribes have long acknowledged the difficulties of data collection and management. To date, an integrated and streamlined approach to data collection and management has not been developed. The need to establish a standard policy for reporting and managing data in IA and identifying the degree to which IA funds allocated for Indian programs are effectively used was recognized by participants of the IA/Tribal Reorganization Task Force in the early 1990s, reinforced by IA/Tribal representatives of the Tribal Priority Allocation Task Force in the late 1990s, and emphasized by the current IA/Tribal Budget Advisory Council.

**1.1 Purpose.** The primary purpose of this Data Management Policy is to govern the process of collection and management of all data, including the use and management of data reported to IA by tribes and other federal entities. The secondary purpose is to reduce administrative burden hours on tribal and federal program staff to allow staff to implement and manage programs and produce better performance results.

**1.2 Scope and Authority.** Analysis of data is necessary to determine what the data mean and reach supportable conclusions. Federal data requirements mandate the documentation of IA program performance and accomplishments. ~~Analysis of data is necessary to determine what the data mean and reach supportable conclusions.~~ These mandates are statutory and regulatory requirements that include but are not limited to the Government Performance and Results Act (GPRA); Program Assessment Rating Tool (PART); 5 USC 552, Freedom of Information Act (FOIA); 5 USC 552A, Privacy Act; Office of Management and Budget (OMB) Circular A-78; OMB Circular A-130; the

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<sup>1</sup>- Statutory and regulatory requirements include but are not limited to GPRA, PART, FOIA, Privacy Act as noted here apply to federal entities only.

[Clinger-Cohen Act; and the Government Paperwork Elimination Act and apply to federal entities only.](#)

**1.3 Policy.** Implementation of the Data Management Policy is intended to accomplish the following:

**A. Data Collection and Reporting:**

- (1) Eliminate multiple and duplicative data requests to the IA offices and tribes.
- (2) Identify minimum data collection requirements while allowing for flexibility to meet unique conditions and needs facing tribes and IA.
- (3) Establish procedures for secure access to tribal data, including a process for consultation.
- (4) Establish realistic deadlines for data [collection and](#) reporting, to the greatest extent practicable.

**B. Data Maintenance:**

- (1) Develop and maintain data that is reliable, accurate, verifiable, consistent, meaningful, and useful.
- (2) Provide an appropriate framework to support data collection and management.
- (3) Establish interfaces with other data systems and programs on an as needed basis.

**C. Data Analysis and Use:**

- (1) Promote program accountability; increase the efficiency and effectiveness of program funding to meet tribal and IA need.
- (2) Provide justification for budget formulation, budget allocations and fund distribution.
- (3) Provide credible data for analysis and use by federal and tribal policy officials.
- (4) Require any data transmitted be used only for its stated purposes.
- (5) Provide IA and tribes with analytical capabilities to interpret data.
- (6) Generate reports and provide data for studies or policy analysis as may be required (e.g. Congress, [Office of Management and Budget](#)).

**D. Data Security:**

- (1) Ensure the appropriate use of data.
- (2) Protect against the misuse and loss of data.
- (3) Minimize data collection and management burdens on IA offices and tribes.

**1.4 Guiding Principles.** The following overall principles shall guide the

implementation of the Data Management Policy:

**A. Indian Affairs Responsibilities.** Indian Affairs is mandated to meet its treaty, statutory and trust responsibilities and operate programs for the benefit of American Indians and Alaska Natives; and to enable tribes to operate programs for the benefit of individual American Indians and Alaska Natives, pursuant to Indian Self-Determination Education and Assistance Act, P.L. 93-638, as amended.

**B. Tribal Consultation.** Consultation with tribal governments, consistent with Executive Order 13175, is required in the implementation and subsequent revision of the Data Management Policy.

**C. Data Transmission.** Indian Affairs and tribes recognize the need for data to be provided for budget formulation, fund distribution, program management, and statutory and regulatory reporting processes.

**D. Data Accuracy.** Data that accurately reflect up-to-date program performance, accomplishments and conditions are essential to support IA and tribal decision making processes.

**E. Data Collection and Management.** Data collection and management processes shall not be burdensome.

**F. Data Use.** All data must be used only for the purpose for which it was originally collected unless specified in Section 1.7 C.

**G. Establishing Timelines.** Adequate time frames must be incorporated into IA processes to allow sufficient time to collect, analyze and interpret data; and report the results.

**H. Electronic Data Networks.** Streamlining the collection and management of data requires IA to establish a functioning electronic network that is accessible by the tribes.

### 1.5 Definitions

**A. Agency record** - any documentary material which is either created or obtained by an agency in the transaction of agency business and under agency control.

**B. Business Owner -**

**BC. Collection** – an accumulation of data gathered for analysis and/or comparison and held in a central location.

**CD. Confidential data** – data the tribe designates as confidential or does not customarily release to the public.

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**DE.** **Consultation** – process and procedure as outlined in Executive Order # 13175. and the direct and interactive (i.e., collaborative) involvement of tribes in the development of policies on matters that have tribal implications. The burden falls on the federal government to show that it has made a good faith effort to elicit feedback.

**EF.** **Data** – representation of information in a formalized manner suitable for communication, interpretation or processing by human or automatic means. Any representation, such as characters or analog/digital quantities, to which meaning is, or might be, assigned.

**FG.** **Data call** –request for information that specifies an identified time period the purpose or usage of the data being collected and the due date for response.

**GH.** **Data management** – the control of data handling operations (i.e., acquisition, analysis, translation, coding, storage, retrieval and distribution of data).

**HI.** **Data owner** – an entity possessing ownership responsibility for the data source.

**IJ.** **Indian Affairs** – all offices and functions under the Assistant Secretary-Indian Affairs, including the Office of the Chief Information Officer and the Bureau of Indian Affairs, among others.

**JK.** **Minimum data requirements** – collection of required data that are mandated through federal statute or regulatory language for reasons of tracking funding, understanding program processes or monitoring program developments.

**KL.** **Program manager** – an individual with knowledge in a specialized area that oversees and directs the activities of the program and supervises program staff (e.g., Chief, Realty; Chief, Housing; Chief, Social Services).

**M. Record -**

**EN.** **Records schedule** – agency directive containing descriptions of and disposition instructions for all documentary materials, record and non-record, created by a federal agency or major component of an executive department.

**MO.** **System Owner** – the official designated in a system notice as having the administrative responsibility for a system of records.

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**1.6 Responsibilities**

**A. The Office of Program Data Quality (OPDQ).** The OPDQ shall be established and delegated the authority for implementing and enforcing the IA Data

Management Policy, as well as reviewing and updating the policy once a year. The OPDQ shall be located in the IA Office of ~~Planning and Policy Analysis~~ Chief Information Officer (OCIO).

## 1.7 Standards, Requirements, and Procedures

**A. Data Access and Use.** The provisions of the IA Data Management Policy are applicable to all programs in Indian Affairs. A secure system utilizing multiple levels of access to data shall be established. ~~Security Access~~ guidelines developed by the ~~Office of the Chief Information Officer (OCIO)~~ shall be followed by IA users. ~~Security~~ Training shall be provided to all Indian Affairs and tribal staff authorized by their tribes to access any data system governed by this Policy.

**B. Collection and Compilation of Data.** The OPDQ shall be responsible for authorizing data calls. The OPDQ shall be responsible for reviewing timeframes proposed by data requests to insure that reporting and receiving entities have adequate time to comply with the request. OPDQ shall direct at which level of IA the data will be compiled (e.g., tribe to agency, agency to region, region to central). The OPDQ shall also be responsible for establishing and managing a data call tracking system that avoids the issuance of multiple data calls for the same or similar data. Wherever possible, data calls are to be identified prior to the beginning of each fiscal year so that all reporting entities will be aware of scheduled data calls. Data calls shall relate specific data elements to particular uses (e.g., budget formulation, fund distribution, program management, and statutory reporting).

**C. Multiple uses of data.** On some occasions data that has been previously collected may satisfy a new data request. If it is obvious that data already collected can be used for additional purposes other than its original intent, clearance will be requested from the data owners before proceeding with its use. An announcement regarding the additional use of data already collected shall be sent to the data owners with a reasonable deadline for response. Data owners can deny the additional use of data already collected.

**D. Minimum data requirements.** Minimum data requirements shall be clearly identified. In addition to the minimum data requirements, there may be occasions when gathering data would be of benefit to American Indian and Alaska Native communities (e.g., budget formulation, fund distribution, Congressional requests, OMB requests).

**E. Standardization of data collection instruments.** The most efficient and least burdensome process shall be used to collect data. Whenever possible, the transmittal and collection of data shall be automated. This will require the standardization of data collection instruments by the OPDQ in collaboration with central, regional, agency offices, and tribes and following the standard process of the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act. Training shall be provided for those IA and tribal persons responsible for data transmittal.

**F. Coordination.** The OPDQ is responsible for coordinating with program managers [and with other IA and BIA programs regarding](#) the compilation of data. Standard procedures for compiling data, including the identification of the appropriate level of aggregation depending on the particular uses of data, shall be developed by the OPDQ in collaboration with central, regional, agency offices, and tribes. Through the routine periodic maintenance of a central database by system users, a large number of individual data calls can be replaced via routine data analysis by OPDQ.

**G. Verification of Data.** A tiered process shall be used to verify data being transmitted. The initial verification of the accuracy of the data shall be the responsibility of the original transmitting entity. This may include the IA central, regional, agency, field offices, or tribe. The second verification of data shall be the responsibility of the IA central, regional, agency or field office or program manager as appropriate. Whenever possible, electronic signatures shall be used to certify the accuracy of the data.

**H. Ownership and Custodianship of Data.** Tribes retain ownership of all data transmitted to the federal government under this policy. For custodial purposes, the IA may receive a copy of this data, and does not acquire any ownership interest in the data. The system used for the transmittal and collection of data shall be owned and maintained by the OPDQ.

Data and records generated and maintained solely by a tribe are not federal records and thus are not subject to either the Privacy Act [5 U.S.C. 552a](#) or [the Freedom of Information Act \(FOIA\)](#), 5 U.S.C. § 552. Further, the Indian Self-Determination and Education Assistance Act (ISDEAA) and its implementing regulations provide that, at the option of a tribe or tribal organization, records of a tribal contractor are not to be considered federal records for the purpose of FOIA and the Privacy Act, except for previously provided copies of tribal records that the Secretary demonstrates are clearly required to be maintained as a part of the Department's record keeping system. See 25 U.S.C. 450(b)(Title I Contracting); 25 U.S.C. 458cc(l)(giving tribes the right to incorporate all provisions of Title I in a Title IV Compact); see also 25 C.F.R. §§ 1000.392 & 393; and 25 C.F.R. § 137.176.

The Privacy Act and FOIA apply to agency records held by the IA. When providing records or data to the IA, a tribe may indicate that the records or data provided are confidential and that the tribe does not wish such records or data to be released to the public. Any records containing data and any data included in such records provided to the IA by a tribe will not be released by the IA unless authorized by the tribe in writing.

When the IA receives a FOIA request, the IA must follow the procedures in 43 C.F.R. Part 2. When the IA receives a request for commercial or financial information obtained from a tribe, the IA shall deny the request upon determining that the information is protected from disclosure by exemption (4) of the FOIA, 5 U.S.C. § 552(b)(4). In making this determination, the IA will be bound by a tribe's designation of this information as confidential. Once the IA determines that the requested information is

protected from release by exemption (4) of the FOIA, the IA has no discretion to release the information 25C.F.R. § 2.23(j).

**I. Maintenance of Data.** Records and data shall be maintained in accordance with the Department’s applicable guidelines by the appropriate program manager.

**J. Data Security.** The OPDQ shall be responsible for maintaining the integrity of the data and protecting the data from loss, misuse, alteration, and disclosure. This is to be accomplished by following the security guidelines established by the OCIO as it applies to IA. In addition, the OCIO is responsible for putting in place secure servers with adequate backup to prevent any loss of data. A record of the date data was entered shall be maintained. The OPDQ shall be responsible for making sure that data is being updated according to the established time frames. [At no time will Tribes be burdened with unfunded security mandates, such as background checks, security clearances.](#)

**K. Update of Data.** The frequency with which data is to be updated is dependent on statutory or regulatory requirements as well as the nature of the data. Program managers are responsible for monitoring requirements, determining when data needs to be updated and coordinating the updates with OPDQ. Program performance data shall be updated at least once a year. Data submissions shall indicate the period covered by the data. Maintaining the consistency of data submissions shall be the responsibility of the program manager.

**L. Analysis, Display, and Dissemination of Data.** OPDQ shall be responsible for coordinating the analysis of data, and responding to the analytical need of the programs. It is the responsibility of the program managers to request data analyses of OPDQ. Adequate time shall be provided for data analysis. The OPDQ is responsible for maintaining libraries of data and tools to support the varied types of analyses.

**M. Reporting and standardization.** OPDQ shall be responsible for developing standardized report formats. OPDQ will coordinate with the appropriate central, regional and agency offices and tribal governments

**N. Management tools.** Read-only query management tools shall be made available to users. While a tribe cannot view the data of another tribe, it can view its own data at any time. OPDQ is responsible for protecting against the unauthorized release of data.

**O. Data formatting and transfer.** Program manager has the responsibility to inform the OPDQ when collected data must be transferred to other programs and data systems. The OPDQ is responsible for reformatting the collected data and authorizing transfer to other programs or data systems (see Section 1.7 C).

**P. Data Policy Review and Update.** The OPDQ shall be responsible for monitoring the implementation of the IA Data Management Policy. On an annual basis OPDQ shall review this policy and propose revisions as needed. This review shall be jointly conducted by OPDQ and a review committee appointed by the BIA/Tribal Budget Advisory Council.