

United States Department of Commerce Open Government Handbook



The Commerce Department's mission is to help make American businesses more innovative at home and more competitive abroad.



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Department of Commerce Open Government Handbook

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1.0 Introduction

1.1 Background

On January 21, 2009, President Obama issued the first executive memorandum of his Administration, entitled “Transparency and Open Government.” This memorandum established three guiding principles for the conduct of government activities: (1) government should be transparent, (2) government should be participatory, and (3) government should be collaborative.

The release of Office of Management and Budget (OMB) Memorandum (M-10-06), Open Government Directive (December 8, 2009), further emphasized the importance of open government. This memorandum required agencies to publish government information online, improve the quality of government information, create and institutionalize a culture of open government, and create an enabling policy framework for open government.

The Department of Commerce (the Department) is fully committed to the Open Government principles identified in the President’s 2009 memorandum, undertaking the following steps to help meet objectives of open government:

- In March 2010, the Department established an Open Government Senior Leader (OGSL) team, consisting of members from each of the Department’s fourteen bureaus/operating units (BOU), to promote the integration of open government principles into each of the BOU’s business/mission areas.
- In October 2010, the Department established the Office of Privacy and Open Government (OPOG) to facilitate and provide oversight of the Department’s Open Government program.

The OGSL team has been focusing and continues to focus on developing best practices and procedures for sharing and providing public access to information, while ensuring appropriate protections for confidentiality, privacy, national security, as well as other restrictions that may be required by law. While developing open government best practices and procedures, the synchronization of the Open Government and Commerce Strategic Plans is important to keep in mind. This Open Government Handbook (Handbook) is designed to ensure the two Plans are kept in synch, as the operationalization of the Open Government program across the Department is underway. The overall objective of the Handbook is to provide policy and guidance that helps to ensure the integration of Department’s strategic goals and objectives, along with the concepts of Open Government into program and information lifecycles. Especially key to this endeavor is the continued requirement for increased transparency, participation, and collaboration among the Department’s employees, as well as with other government agencies and the American people.

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The duties and functions of the OPOG can be found in Departmental Organizational Order (DOO) 20-31. The DOO requires the OPOG to improve the transparency with which the Department operates in accordance with presidential memorandum of January 21, 2010 and OMB. In order to achieve these objectives, the OPOG has reached out across federal, state, local, and international governments to discover new methods of being transparent and participative in order to share best practices developed. The sharing of these best practices has helped to proactively integrate the principles of Open Government into the Department's business/mission areas.

The BOUs through which the Department carries out its programmatic responsibilities are:

- Office of the Secretary (OS),
- Office of the Inspector General (OIG),
- Bureau of Industry and Security (BIS),
- Economic Development Administration (EDA),
- Economics and Statistics Administration (ESA),
- Bureau of Economic Analysis (BEA),
- Bureau of the Census (Census),
- International Trade Administration (ITA),
- Minority Business Development Agency (MBDA),
- National Institute of Standards and Technology (NIST),
- National Oceanic and Atmospheric Administration (NOAA),
- National Telecommunications and Information Administration (NTIA),
- National Technical Information Service (NTIS), and
- U.S. Patent and Trademark Office (USPTO).

Each of the above BOUs, through their distinct missions, contribute to the Department's overall objective of promoting economic growth for the nation and providing opportunities for all Americans. The integration of open government directly into the BOU business/mission lines will ensure the continued growth of outreach and proactive collaboration to promote the Department's ability to transform and improve service delivery to its customers.

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1.2 Scope

The United States Department of Commerce (DOC) Open Government Handbook applies to all DOC and BOU personnel, programs, and to DOC and BOU contracts, as appropriate.

1.3 Authorities

These are the current authorities under which the Open Government program is operating.

- The Freedom of Information Act, 5 U.S.C. § 552, generally provides that any person has the right to request access to federal agency records or information except to the extent the records are protected from disclosure by any of nine exemptions contained in the law or by one of three special law enforcement record exclusions.
- The Privacy Act of 1974, 5 U.S.C. § 552a, provides privacy protections for records containing information about individuals (i.e., citizen and legal permanent resident) that are collected and maintained by the federal government and are retrieved by a personal identifier. The Act provides safeguards against invasion of personal privacy through the misuse of records by Federal Agencies and requires agencies to safeguard information contained in a system of records.
- Departmental Freedom of Information Act (FOIA) regulations, 15 CFR, Subpart A, which is the Department's implementation of the FOIA.
- Departmental Privacy Act regulations, 15 CFR, Subpart B.
- The Open Government Act of 2007, promotes accessibility, accountability, and openness in Government by strengthening 5 U.S.C. § 552. Also codifies several provisions of Executive Order 13,392, "Improving Agency Disclosure of Information."
- The Federal Information Security Management Act of 2002, 44 U.S.C. § 3541, requires agencies to develop, document, and implement an agency-wide program to provide information security for the information and information systems that support the operations and assets of an agency.
- The Trade Secrets Act, 18 U.S.C. § 1905, establishes criminal penalties for the unauthorized disclosure of certain confidential business information.
- OMB Memorandum M-10-06, Open Government Directive (December 8, 2009), requires agencies to publish government information online, improve the quality of government information, create and institutionalize a culture of Open Government, and create an enabling policy framework for Open Government.

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- OMB Memorandum M-10-11, Guidance on the Use of Challenges and Prizes to Promote Open Government (March 8, 2010) highlights, for agencies, policy and legal issues related to the implementation of the Obama Administration's commitment to increase the use of prizes and challenges as tools for promoting Open Government, innovation, and other national priorities.
- OMB Memorandum M-10-22, Guidance for Online Use of Web Measurement and Customization Technologies (June 25, 2010) establishes new procedures and provides updated guidance and requirements for agency use of web measurement and customization technologies.
- M-10-23, Guidance for Agency Use of Third-Party Websites and Applications (June 25, 2010) recognizes that Open Government increasingly relies on Federal agency uses of new technologies, such as social media networks and web 2.0 applications. Such uses offer important opportunities for promoting the goals of transparency, public participation, and collaboration. However, increased use of these technologies also requires greater vigilance by Federal agencies to protect individual privacy.
- OMB Memorandum M-10-30, Science and Technology Priorities for the FY 2012 Budget (July 21, 2010) requires agencies to develop and regularly update their data sharing policies for research performers and create incentives for sharing data publicly in interoperable formats to ensure maximum value, consistent with privacy, national security, and confidentiality concerns.
- OMB Memorandum M-11-02, Sharing Data While Protecting Privacy (November 3, 2010), requires agencies to develop and implement solutions that allow data sharing to move forward in a manner that complies with applicable privacy laws, regulations, and policies.
- Executive Order (E.O) 13571, Streamlining Service Delivery and Improving Customer Service (April 27, 2011), requires agencies to develop and implement a customer service plan and publish the plan on the Open Government web page.
- OMB Memorandum M-11-24, Implementing Executive Order 13571 on Streamlining Service Delivery and Improving Customer Service (June 13, 2011), to improve customer service delivery, advance customer service through innovative technology, solicit timely customer feedback, and improve online services.
- OMB Memorandum M-12-18, Managing Government Records Directive (August 24, 2012), requires electronic recordkeeping to ensure transparency, efficiency and accountability, and demonstrate compliance with Federal records management statutes and regulations.
- OMB Memorandum M-13-13, Open Data Policy-Managing Information as an Asset (May 9, 2013), requires Departments/Agencies to manage information as an asset throughout its life cycle to promote openness and interoperability and properly safeguard systems and information.

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- OMB Memorandum M-14-06, Guidance for Providing and Using Administrative Data for Statistical Purposes (February 14, 2014), requires a review of existing administrative data for potential statistical use with focus on improving how agencies leverage existing Federal data to facilitate their own programmatic work and better serve the American public.

1.4 Purpose

The objective of Open Government, as articulated by President Obama and the OMB, is to make government more transparent, participatory, and collaborative to the public. The focus of the Department's efforts is to share and provide public access to information, while ensuring appropriate protections for confidentiality, privacy, national security, as well as other restrictions that may be required by law. The Open Government Directive takes a proactive approach by using existing and new tools, such as social media, web collaboration, and cloud computing to enhance outreach, allow opportunities to contribute, and demonstrate effectiveness of existing business operations and programs.

The Department's Open Government program addresses all six pillars of Open Government. These pillars (transparency, participation, collaboration, privacy, confidentiality and national security) are the cornerstones of the Department's Open Government program. This Handbook will ensure that the Open Government program supports the Departmental 2014 – 2018 Strategic Plan. It outlines a strategy to move into an operational open government environment that fully supports the strategic goals and objectives proactively. Operationalizing the open government program will allow the existing Open Government teams to continue their proactive involvement within the Bureau/Operating Unit's (BOU) business lines/mission areas to ensure two-way communication between BOU team members and management are underway.

The teams consist of Department personnel who perform open government tasks within their BOUs. These teams leverage existing functions at BOUs to support the Department's open government efforts, with the counsel of their respective BOU OGSLs. This approach allows BOUs to drive open government efforts within the Department in a manner that meets all of its requirements. The approach also ensures that each BOU has an effective feedback mechanism to OMB for guiding the overall open government effort.

The Handbook identifies the roles and responsibilities of open government team members and the integration of open government efforts and initiatives. It also outlines the integration of repeatable processes for the publishing of the Open Government Plan (the Plan), updates to the Department's Open Government website, and integration of BOU open government efforts to develop standardized processes and best practices.

2.0 Definitions

- **Bureau/Operating Unit (BOU)** – DOC Organizational entities outside the Office of the Secretary charged with carrying out specified substantive functions (i.e., programs) of the Department (DOO 1-1).
- **Collaboration** – Encouraging partnerships and cooperation within the Federal Government across levels of governmental agencies, public, and private institutions.
- **Data** – All structured information.
- **Data.gov** – Government-wide metadata catalog/repository built initially as part of the Open Government Directive.
- **Dataset** – A collection of data presented in tabular or non-tabular form.
- **Fair Information Practice Principles (FIPPs)** – The eight widely accepted principles for identifying and mitigating privacy impacts in information systems, programs, and processes, delineated in the National Strategy for Trusted Identities in Cyberspace Appendix A.
- **Government Information** – Information created, collected, processed, disseminated, or disposed of, by, or for the Federal Government.
- **Information** – Any communication or representation of knowledge, such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual.
- **Information Asset (IA)** – Any information produced by a Department/Agency in any format to include print and electronic formats.
- **Information Asset Inventory (IAI)** – A repository which identifies a full listing of information assets produced by a Department/Agency. It includes public, non-public, and restricted access information assets.
- **Information Life Cycle** – The stages through which information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition.
- **Metadata** – Data about data. A metadata record is a file of information, usually presented as an Extensible Markup Language (XML) document, which captures the basic characteristics of a data or information resource. It represents the who, what, when, where, why, and how of the resource.

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- **Open Data** – Publicly available data structured in a way that enables the data to be fully discoverable and consumable by end users.
- **Open Government Senior Leader** – A representative appointed in writing by the BOU's Under Secretary/Administrator to guide the Open Government efforts across the BOU.
- **Open Government Plan** – The public roadmap that details how the agency is incorporating Open Government activities into the agency core mission and objectives.
- **Open Government Operationalization** – the process of integration of Open Government best practices, process, and procedures into the routine function of a program, business line, and mission area operations.
- **Participation** – Allowing members of the public to contribute ideas and expertise to increase so that their government can make policies with the benefit of information that is widely dispersed in society.
- **Principles of Open Government** – Transparency, Participation, Collaboration, Privacy, Confidentiality, and National Security. Transparency, participation, and collaboration form the cornerstone of an Open Government. However, Open Government also requires that privacy, confidentiality, and national security be protected when implementing Open Government efforts.
- **Transparency** – Providing the public with information about what the government is doing.
- **Personally Identifiable Information (PII)** – Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available (in any medium and from any source) that, when combined with other available information, could be used to identify an individual.
- **Mosaic Effect** – The occurrence of information in an individual Information Asset (IA), in isolation, may not pose a risk of identifying an individual (or threatening some other important interest such as security), but when combined with other available information, could pose risk. Before disclosing potential PII or other potentially sensitive information, agencies must consider other publicly available data – in any medium and from any source – to determine whether some combination of existing data and the data intended to be publicly released could allow for the identification of an individual or pose another security concern.

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- **System of records** – Any group of records containing PII from which information is retrieved by the name of the individual or by some other identifying particular assigned to the individual.

3.0 Roles and Responsibilities

3.1 Chief Financial Officer and Assistant Secretary for Administration

The Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) shall implement the principles of transparency and open government as set forth in the Presidential memorandum of January 21, 2010 and OMB M-10-06 (DOO 10-5).

3.2 Director of Open Government

The Director of Open Government provides direction, oversight, and management of the Open Government program (DOO 10-5).

The Director of Open Government improves the transparency with which the Department operates in accordance with the Presidential memorandum of January 21, 2010 and OMB memorandum number M-10-06, “Open Government Directive,” by providing more information and data about the Department’s activities to the public in a timely and accessible manner; increasing public participation by utilizing new tools and strategies to encourage input and feedback; expanding collaboration with the Department’s partners, both inside and outside government; and encouraging innovation in identifying methods to make the government more open and efficient, and to save taxpayers money (DOO 20-31).

3.3 Chief Privacy Officer

The DOC Chief Privacy Officer (CPO) provides direction and guidance on the Privacy program as it is being implemented within the DOC. Serves as the Department’s senior policy authority on matters relating to the public disclosure of information, and advises on privacy issues related to informed consent, disclosure risk, and data sharing.

Ensures Departmental policies and procedures regarding information protections are compliant with statutory and government-wide policy requirements, verifies bureau adherence to all relevant information protection policies and procedures, and continually strives to identify and implement privacy best practices. (DOO 20-31).

3.4 Chief Data Officer

The DOC Chief Data Officer (CDO) provides direction and guidance on the Open Data Policy (ODP) program as it is being implemented within the DOC. The CDO provides three key functions for the ODP program.

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- Outreach to the public and industry to improve the two-way conversation regarding DOC's IA. The conversation will enable a more complete understanding of the requirements to configure the DOC IAs to provide a more consumable product.
- Internally communicating the new understanding of the requirements directly to the BOU program offices. This internal communication with BOU program offices will identify the need to configure/improve the IA required to increase job creation within America.
- Management and oversight M-13-13 ODP program.

The CDO is responsible for metric reporting leading indicators for the [OMB Project Open Data Dashboard](#) (Dashboard).

The CDO is responsible for providing input to Open Government Plan on the progress of the ODP program.

3.5 Chief Information Officer

The DOC Chief Information Officer (CIO) leads the management of information resources throughout the Department, ensuring that the Department's programs make full and appropriate use of information technology. The CIO and his/her office support the increased use of leading edge technology to enable the Department to fully and efficiently accomplish its mission through the use of IT products and services (DOO 15-23). The OCIO is responsible for developing guidelines and implementing procedures to build the complete Information Asset Inventory (IAI).

3.6 BOU Chief Information Officer

Each BOU CIO will work with their business/program offices and data stewards to develop procedures for fully identifying information assets and determining if the information assets are public, non-public, or restricted. As information assets are identified, any flagged as nonpublic or restricted will be confirmed as such by the BOU CIO to ensure appropriateness of the determination as consistent with M13-13 guidance. The ultimate goal is to make the information assets available to the public, whenever possible. Each BOU and its program offices have been directed to catalogue, document, and assess whether each identified information asset can be made available for public consumption. Each BOU CIO is responsible for constructing a system to best distribute the data.

3.7 General Counsel

The General Counsel (GC) is the chief law officer of the Department, and legal adviser to the Secretary, the Under Secretaries, the Assistant Secretaries, and other officers of the Department, including operating unit heads. The GC shall be the focal point within the Department for handling regulatory policy, promulgation, review, and improvement matters; shall develop or coordinate

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and manage the development of regulatory policies and improvements for the Department; shall be the regulatory ombudsman for the Department; and shall advise the Secretary on regulatory matters (DOO 10-6).

3.8 Office of Legislative and Intergovernmental Affairs

The Office of Legislative and Intergovernmental Affairs (OLIA) is responsible for liaison and coordination on matters regarding the Department's relationships with the Congress, congressional committees, and individual Members of Congress (DOO 10-12).

OLIA is also responsible for overseeing the maintenance of relationships with State, county and municipal governments and for liaison and coordination with State, county, municipal governments and their associations (local governments) (DOO 10-12).

OLIA shall advise the Department on Open Government initiatives that impact congressional or State/local governments. It is the BOU program office responsibility to coordinate with OLIA on such matters.

3.9 Open Government Teams

The Open Government Program is executed by a network of teams made up of BOU leaders and Departmental management focusing on specific areas of responsibility. The teams include the Open Government Senior Leaders (OGSL), FOIA Officers, Bureau Chief Privacy Officers, Office of Public Affairs (OPA)/Communications Points of Contacts (POCs), Data.gov POCs, Regulatory POCs, and Records Managers.

These teams drive the Department's Open Government efforts internally to improve employee information-sharing, collaboration, and openness throughout all of the Department's business/mission areas.

3.9.1 DOC Open Government Senior Leaders

An OGSL shall be designated in writing by their Under Secretary of each BOU or equivalent using the "Open Government Senior Leader Assignment Memorandum" form in Appendix A. The OGSL shall perform the following duties:

- Ensure internal BOU collaboration and coordination of Open Government activities;
- Share BOU ideas, practices, programs, and initiatives with other OGSL;
- Develop and implement the BOU Open Government Plan;
- Integrate Open Government into the BOU Programs and business line as core elements/processes within the BOU lifecycle management process;
- Provide regular updates on BOU Open Government efforts to include providing input for the departmental open government website;

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- Report progress on existing programs progress for integration of Open Government into lifecycle;
- Report efforts to meet the Open Government Objectives within their organizational purview;
- Provide proactive feedback on new and proposed Open Government efforts to allow the Department to develop and implement these efforts where appropriate; and
- Represent the Department and their BOU on OMB working groups, upon request.

3.9.2 DOC Data.gov Point of Contact (POC) Lead

The Data.gov POC shall be designated by the DOC CIO, and as such, shall:

- Ensure that the Commerce ODP IAI is complete and accurate in accordance with established guidance under ODP;
- Establish guidance for IAI workflow (see Appendix B);
- Establish the processes for populating the IAI;
- Provide input on ODP efforts to the Open Government Plan;
- Develop and provide training to implement the population of IAI;
 - Train all BOU data.gov POCs on the population of IAI;
 - Coordinate across all BOU to ensure the IAI is populated in a timely manner;
- Certify that datasets and tools follow all information publishing guidelines including Federal, and Departmental;
 - Include all accuracy, integrity, quality, privacy, and security checks as required for the dataset or tool release; and
 - Ensure that all releases follow the published Departmental Data.gov workflow guidelines.
- Responsible for ensuring the data.json file is updated for the [OMB Project Open Data Dashboard](#) (Dashboard).

3.9.3 BOU Data.gov POC

The Data.gov POC shall be designated by the CIO of a BOU and, as such, shall:

- Ensure that a BOU is properly populating the Commerce ODP IAI using the guidance provided by the Department CIO;
 - Provide BOU input on ODP efforts to the BOU OGSL for the Open Government Plan;
 - Train all mission areas, program offices, data owners, and stewards on population of IAI;
 - Coordinate across all BOU mission areas, program offices, data owners, and stewards to ensure the IAI is populated in a timely manner;

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- Certify that datasets and tools follow all information publishing guidelines including Federal, Departmental, and BOU;
 - Include all accuracy, integrity, quality, privacy and security checks as required for the dataset or tool release; and
 - Ensure all releases follow the published Departmental Data.gov workflow guidelines.

3.9.4 BOU Program Office Data Owner/Steward

The BOU Program Office Data Owner/Steward shall perform the following duties:

- Provide input on BOU ODP efforts to the BOU OGSL for the Open Government Plan;
- Ensure BOU Program Office is properly populating the Commerce ODP IAI using the guidance provided by the BOU Data.gov POC ;
 - Ensure the IAI is populated in a timely manner;
 - Certify that datasets and tools follow all information publishing guidelines including Federal, Departmental, and BOU;
 - Include all accuracy, integrity, quality, privacy and security checks, as required for the dataset or tool release; and
 - Ensure that all releases follow the published Departmental Data.gov workflow guidelines.

3.9.5 DOC Office of Public Affairs/Communications Lead

A representative shall be designated in writing by the Director of the Office of Public Affairs from within Office of Digital Engagement (ODE) as the DOC lead for the OPA/communications team and, as such, shall:

- Ensure all internal and external communications meet or exceed Open Government requirements;
- Establish guidance, enhance tools, and lead efforts for continued outreach and collaboration;
- Provide input on OPA efforts for the Open Government Plan;
- Responsible for ensuring the digitalstrategy.json file is updated for the [OMB Project Open Data Dashboard](#) (Dashboard).
- Work with BOU OPA leads to develop and implement Departmental best practices for outreach and collaboration; and
- Serve as co-lead on Departmental ODP team.

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3.9.6 BOU Office of Public Affairs/Communications

A representative is designated in writing by the BOU Director of the Office of Public Affairs/Communication from within BOU Office of Public Affairs/Communications as the focal point for all the OPA/Communications activities within the BOU and, as such, shall:

- Ensure all BOU internal and external communications meet or exceed Open Government requirements;
- Establish guidance, enhance tools, and lead efforts for outreach and collaboration;
- Provide input on BOU OPA efforts to the BOU OGSL for the Open Government Plan; and
- Work with DOC OPA lead to develop and implement Departmental best practices for outreach and collaboration.

3.9.7 DOC Departmental Freedom of Information Act (FOIA) Officer

The Departmental FOIA Officer is the focal point for all the FOIA activities within DOC and, as such, shall:

- The Departmental FOIA Officer provides direction and guidance on the FOIA program as it is being implemented within the DOC;
- Ensure all internal and external communications meet or exceed Open Government requirements, while following all applicable FOIA laws, regulations, and policies;
- Guide the Department's efforts by identifying to other Open Government groups information frequently requested under the FOIA for proactive disclosure;
- Provide input on FOIA efforts for the Open Government Plan;
- Provide guidance to public and internal Departmental employees on FOIA requirements, processing, and tools; and
- Lead the Department's efforts for FOIA outreach and collaboration.

3.9.8 BOU Freedom of Information Act (FOIA) Officer

The BOU FOIA Officer serves as lead for FOIA team and, is the focal point for all the FOIA activities within the BOU and, as such, shall:

- Ensure all internal and external communications meet or exceed Open Government requirements, while following all applicable FOIA laws, regulations, and policies;
- Guide the BOU's efforts by identifying to other BOU Open Government groups information frequently requested under the FOIA for proactive disclosure;
- Provide input on BOU FOIA efforts to the BOU OGSL for the Open Government Plan;
- Provide guidance to public and internal BOU employees on FOIA requirements, processing, and tools; and

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- Lead BOU efforts for FOIA outreach and collaboration.

3.9.9 DOC Departmental Privacy Act (PA) Officer

The Departmental PA Officer is the focal point for all the PA activities within DOC and, as such, shall:

- The Departmental PA Officer provides direction and guidance on the PA program as it is being implemented within the DOC;
- Ensure all internal and external communications meet or exceed Open Government requirements, while following all applicable PA laws, regulations, and policies;
- Provide input on PA efforts for the Open Government Plan;
- Provide guidance to the public and internal Departmental employees and contractors, as appropriate, on PA requirements and request processing; and
- Lead the Department's efforts for PA outreach and collaboration.

3.9.10 BOU Privacy Act (PA) Officer

The BOU PA Officer serves as lead for PA team and, is the focal point for all the PA activities within the BOU and, as such, shall:

- Ensure all internal and external communications meet or exceed Open Government requirements, while following all applicable PA laws, regulations, and policies;
- Provide input on BOU PA efforts to the BOU OGSL for the Open Government Plan;
- Provide guidance to the public and internal BOU employees and contractors, as appropriate, on PA requirements and request processing; and
- Lead BOU efforts for PA outreach and collaboration.

3.9.11 Departmental Privacy Program Coordinator (PPC)

The Departmental Privacy Program Coordinator (PPC) serves as the focal point for all privacy related activities within the Department and, as such, shall:

- Ensure effective execution of the Department's Privacy program;
- Ensure the development and maintenance of privacy policies, procedures, and guidance;
- Ensure agency reporting is in accordance with (IAW) OMB guidance for Federal Information Security Management Act (FISMA) SOAP reporting;
- Ensure privacy training is made available for Department employees and contractors, as appropriate;
- Maintain thorough records of PII incidents from initial report through completed response;
- Provide quarterly privacy metrics;

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- Meet regularly with BOU Chief Privacy Officers (BCPOs) to ensure effective execution of BOU level Privacy programs;
- Update policies and training, as appropriate;
- Provide input on Privacy efforts for the Open Government Plan; and
- Provides reporting to the Secretary, Deputy Secretary, and the Executive Management Team (EMT), as necessary

3.9.12 BOU Chief Privacy Officer (BCPO)

The BOU Chief Privacy Officer (BCPO) serves as the focal point for all the privacy activities within the BOU and, as such, shall:

- Ensure effective BOU execution of BOU Privacy program IAW DOC guidelines;
- Represent Bureau in all Commerce Privacy Program Meetings/Events;
- Ensure all Bureau PII incidents are reported IAW DOC guidelines;
- Ensure BOU reporting IAW CPO guidance for departmental FISMA SOAP reporting;
- Guide the BOU's efforts improve the BOU privacy program;
- Provide input on BOU Privacy efforts to the BOU OGSL for the Open Government Plan;
- Provide guidance to BOU employees and contractors, as appropriate, on privacy requirements, processing and tools; and;
- Lead BOUs efforts for privacy outreach and collaboration on protecting personal information.

3.9.13 DOC Regulatory Lead

The Departmental Office of General Counsel serves as the DOC lead for the Regulatory team. The BOUs that are most actively engaged in rulemaking pursuant to their regulatory authorities will have participants on the Regulatory Team and, as such, shall:

- Ensure all regulatory efforts meet or exceed Open Government requirements;
- Guide the Department's efforts to improve the regulatory efforts within the Department;
- Provide input on Regulatory efforts for the Open Government Plan;
- Provide guidance to the public and internal Departmental employees and contractors, as appropriate, on regulatory requirements; and
- Lead the Department's efforts for Regulatory outreach and collaboration on regulatory information within Open Government efforts.

3.9.14 BOU Regulatory Lead

The BOUs that are most actively engaged in rulemaking pursuant to their regulatory authorities will have participants on the Regulatory Team and, as such, shall. The BOU Office of General

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Counsel serves as the focal point for all the regulatory activities within the BOU and, as such, shall:

- Ensure all BOU regulatory efforts meet or exceed Open Government requirements;
- Guide the BOUs efforts to improve the regulatory efforts;
- Provide input on BOU Regulatory efforts to the BOU OGSL for the Open Government Plan;
- Provide guidance to the public and internal BOU employees and contractors, as appropriate, on regulatory requirements; and
- Lead BOUs efforts for Regulatory outreach and collaboration on regulatory information within Open Government efforts.

3.9.15 DOC Records Management Lead

The Departmental OCIO, as the DOC lead for the Records Management team, is the focal point for coordinating all of the records management activities within DOC and, as such, shall:

- Ensure all records management efforts meet or exceed Open Government requirements;
- Guide the Department's efforts to improve the records management efforts within the Department by working through the BOU records managers;
- Provide input on Records Management efforts for the Open Government Plan;
- Provide guidance to the public and internal Departmental employees and contractors, as appropriate, on records management requirements; and
- Lead the Department's efforts for records management outreach and collaboration on records management information within Open Government efforts.

3.9.16 BOU Records Officer

The BOU Records Officer, as the BOU lead for records management, is the focal point for coordinating all the records management activities within the BOU and, as such, shall:

- Ensure all BOU records management efforts meet or exceed Open Government requirements;
- Guide the BOUs efforts to improve the records management efforts;
- Provide input on BOU Records Management efforts to the BOU OGSL for the Open Government Plan;
- Provide guidance to the BOU employees and contractors, as appropriate, on records management requirements; and
- Lead BOU's efforts for records management outreach and collaboration on records management information within Open Government efforts.

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4.0 Open Government Reporting Requirements

4.1 Commerce Open Government Website

Each BOU will submit an Open Government blog for publication on the Department's Open Government website <http://open.commerce.gov>. The blog will be published IAW with table 1 and will highlight the BOUs open government efforts.

The responsibility to ensure each blog has been properly vetted (via Office of Public Affairs or other senior authorities) is the BOU OGSL prior to submitting it to OPOG for publication. All blogs are due on or before the 15th of the month for which they are due.

While it is required that each BOU publish at least one blog within the Fiscal Year (FY) timeframe, publications can be submitted for publishing during an off cycle timeframe. This will enable a BOUs to increase the public's awareness on open government activities throughout the FY.

Table 1 – BOU Assigned Monthly Blog

Month	BOU
October	Bureau of the Census (Census)
November	Bureau of Economic Analysis (BEA)
December	Bureau of Industry and Security (BIS)
January	Economic Development Administration (EDA)
February	International Trade Administration (ITA)
March	Minority Business Development Agency (MBDA)
April	National Institute of Standards and Technology (NIST)
May	National Oceanic and Atmospheric Administration (NOAA)
June	National Telecommunications and Information Administration (NTIA)
July	National Technical Information Service (NTIS)
August	Office of Inspector General (OIG)
September	U.S. Patent and Trademark Office (USPTO)

4.2 The Open Government Plan

This section of the handbook establishes the requirement to publish a DOC Open Government Plan annually. The publishing of the Plan fulfills the OMB requirement from M-10-06, to develop and publish on its Open Government Webpage an Open Government Plan that describes how the Department will improve transparency and integrate public participation and collaboration into its activities. The Plan will follow the guidance developed by OMB and will be published in accordance with the timeline approved by the DOC Director of Open Government.

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Each BOU is responsible for submission of the BOU Plan by the required deadline, as well as the accuracy and internal clearance of its Open Government Plan submissions. The OPOG will ensure all plan submissions are consolidated into the Departmental Open Government Plan. Prior to consolidation, OPOG will perform additional quality checks working with the appropriate BOU on any required changes.

The Plan includes sections covering the areas of program oversight, building for tomorrow, and program/functional area updates. These sections describe how the Department addresses the open government efforts and integrating open government as a key component of the Departmental strategic goals and objectives.

As open government efforts move forward, future plans will include the operationalization of open government into BOU business lines/mission areas and program offices. The operationalization will require integration of open government best practices, processes, and procedures as part of core processes and procedures within the program management lifecycle. In the operationalization efforts, the Open Government Plan will be published once each fiscal year in June.

4.2.1 Publishing the Open Government Plan

The Plan has a publishing cycle that is based on publishing a new plan at a minimum once a year. The Department Open Government Plan uses a June publication date with an April synopsis provided to OMB. The actual dates for the Open Government Time will be published in the Open Government Operations Plan. This timeline cannot be finalized and approved by the DOC Director of Open Government until the OMB guidance for plans is provided to the Departments and Agencies.

The general timeline is listed in Table 2 – Open Government Plan Timeline. It can be used for planning purposes.

Table 2 – Open Government Plan Timeline

Due Date	Open Government Plan Task Due
Mid December	OPOG generates initial data call to BOUs for OG plan input
Early February	BOU OGSL submits OG plan synopsis
Early February	OPOG QC BOU plan synopsis input
Late February	BOU OG plan is submitted by OGSL
Early March	OPOG QC BOU plan input
Mid – March	OPOG finalized consolidates BOU OG synopsis input
Late March	OPOG routes Consolidated OG plan synopsis to senior management
Mid – April	OPOG publish OG plan synopsis on MAX
Late April	OPOG consolidates and finalize BOU plan input
Late April	OPOG routes OG plan to senior management
Late May	OPOG Publishes OG plan

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4.2.2 Content of the Open Government Plan

The Plan is a compilation of input from the BOUs. The BOU input will contain the status of ongoing and proposed future initiatives. OMB requires that the department integrates open government across all business lines. The responsibility for providing the Plan content rests with the BOU OGSL. Sections requiring department/agency updates are listed in Table 3 – OMB Open Government Requirements. Each BOU is required to report on each of the OMB requirements and include its progress/accomplishments in the various areas.

Table 3 – OMB Open Government Requirements

1. Open Data
2. Privacy
3. Whistleblower Protection
4. Websites
5. Transparency
6. Public Notice
7. Records Management
8. Freedom of Information Act (FOIA) Requests
9. Proactive Disclosures
10. Congressional Requests
11. Declassification
12. Participation
13. Collaboration

In addition to the requirements listed in Table 4, the Plan includes a BOU listing of Open Government initiatives. These initiatives are reported in the format that can be found in table 4 – BOU Initiatives. Full narratives describing each BOU initiative follow the BOU table.

Table 4 – BOU Initiatives

Operating Unit	Project	Status	Estimated Completion
BOU	Initiative 01	Ongoing / Continuous	--
	Initiative 02	Completed (December 2015)	--
	Initiative 03	Live / Operational	--
	Initiative 04	In Progress	March 2016
	Initiative 05	Shutdown/Close-out	March 2015

There are five status categories for BOU initiatives. These categories are:

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- **in progress** – the initiative is still in the development phase;
- **completed** – the initiative has been completed;
- **ongoing/continuous** – the initiative is in a continual lifecycle management and will have changes and updates that enhance the Open Government posture of the BOU;
- **live/operational** – the initiative has been completed and moved to the live/operational area for a BOU; there are no additional Open Government enhancements planned; and
- **shutdown/close-out** – the initiative has been shut down or closed-out due to a BOU change in mission goals (i.e. lack of funding, priority changes, initiatives cancelled ...)

As we move towards an operational environment, the reporting requirements on these initiatives will move into a monthly requirement, based on initiative status.

As initially agreed to with the open government external partners, the Department will maintain, in the initiative tables, a list of the completed initiatives for a period of two publication cycles after completion. This allows our partners to see the status of new initiatives and a historical representation of completed initiatives.

The reporting on these initiatives will occur at the monthly OGSL teleconference.

The following describes the OSGL reporting requirements time frame based on initiative status:

- “Ongoing/Continuous” and “Live/Operational” will be reported at least quarterly unless the BOU OGSL determines that a significant change in status occurs earlier than the standard reporting period.
- “In Progress” will be reported beginning 2 months prior to the projected completion or immediately if a change in the projected completion date occurs.

4.3 OMB Project Open Data Dashboard

The DOC reporting for the [OMB Project Open Data Dashboard](#) (Dashboard) is accomplished by updating the dashboard leading indicators, the Department data.json and digitalstrategy.json files. The Dashboard, which includes a validator tool for the json files, is used by the public to track how agencies are implementing [Open Data Policy](#) (OMB M-13-13).

The CDO is responsible for updating the leading indicators to ensure accurate reporting on the Department.

The DOC Data.gov Point of Contact (POC) Lead is responsible for updating the data.json file.

The DOC Office of Public Affairs/Communications Lead is responsible for updating the digitalstrategy.json file.

The OMB review utilizes two processes for determining agency progress:

- Review of the leading indicators by OMB staff;
- The Dashboard validation tool function is used to check the status of and generate the automated metrics for data.json and digitalstrategy.json at each agency.

The results of the review are published to the public on the [OMB Project Open Data Dashboard](#).

5.0 Open Government Operational Requirements

5.1 Data Requirements

The CDO working with the CIO and CPO ensures that the Department is complying with [M-13-13](#) and the related Project Open Data. This includes establishing processes and procedures to improve the management of information resources throughout the information's life cycle and reinforce the government's presumption in favor of openness IAW the following:

- The Department collects or create information in a way that supports downstream information processing and dissemination activities;
- Build information systems to support interoperability and information accessibility;
- Strengthen data management and release practices;
 - Create and maintain an enterprise data inventory;
 - Create and maintain a public data listing;
 - Create a process to engage with customers to help facilitate and prioritize data release; and
 - Clarify roles and responsibilities for promoting efficient and effective data release practices;
- Strengthen measures to ensure that privacy and confidentiality are fully protected and that data are properly secured; and
- Incorporate new interoperability and openness requirements into core agency processes

The publication workflow process for the Department IAI is depicted in Appendix B.

The established metric for this is five (5) to ten (10) % increase in IAs is made available to the public each year. Progress on this metric will be reported by the BOU OGSL quarterly as part of the Open Government program.

5.2 Privacy

The PPC shall provide guidance and oversight of the privacy program. The PPC shall develop and implement policies and procedures regarding information protection which are compliant with

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statutory and government-wide policy requirements. The PPC will verify BOU adherence to all relevant information protection policies and procedures, and continually strives to identify and implement privacy best practices.

The PPC is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.3 Whistleblower Protection

The Department's Office of the Inspector General (OIG) has a Whistleblower Protection Program that carries out a number of key functions, including communicating with whistleblowers, ensuring the timely reporting of findings; promoting awareness of, and compliance with, whistleblower protections through the Department; and communicating with, and reporting to, U.S. Office of Special Counsel (OSC), Congress, and other oversight entities on whistleblower protection matters. OIG's Whistleblower Protection Program has achieved OSC certification. A Whistleblower Protection Ombudsman has been designated within the OIG to educate Department employees about prohibitions on retaliation for protected disclosures, as well as the rights and remedies against retaliation for protected disclosures for those who have made or are contemplating making a protected disclosure.

5.4 Websites

The ODE shall work with OCIO to ensure that all DOC websites are managed in accordance with the federal guidance. The ODE and OCIO shall provide guidance and oversight of the Departments web presence that include the required for the BOUs to implement Open Government best practices and procedures.

The ODE shall provide recommendations of tools for pro-active engagement and collaboration. The ODE will provide specific examples of commonly sought-after information and best practices on how the BOUs can take steps to make it easier for the public to find and use it.

The ODE is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.5 Transparency

The Director of Open Government shall provide guidance and oversight of the Open Government program. The Director shall ensure DOC is participating in transparency initiatives, such as Data.gov, eRulemaking, IT Dashboard, Recovery.gov, and USAspending.gov. Where DOC is not fully participating in an initiative, the Director of Open Government shall work with OSGLs to improve the DOC active participation in transparency initiatives. The Director of Open

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Government shall work with the OGSLs to suggest new and improve existing transparency initiatives.

The DOC OGSLs are responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.6 Public Notice

The ODE shall provide guidance and oversight of Department public notice processes. This includes publishing details of proposed actions to be taken, with clear milestones, to inform the public about significant agency actions and business, such as through public meetings, stakeholder meetings, briefings, online press conferences, and periodic national town hall meetings.

The ODE is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.7 Records Management

The OCIO shall provide guidance and oversight of the records management program working with the BOU records manager to ensure Open Government efforts are integrated into the Department's records management requirements.

The OCIO and BOU Records Managers will report progress on integration progress as part of the quarterly metrics to the BOU OGSL.

5.8 Freedom of Information Act (FOIA) Requests

The Departmental FOIA Officer shall provide guidance and oversight of the Departmental FOIA program. In addition, the Departmental FOIA Officer shall provide and maintain a webpage that includes: (1) a description of staffing and organizational structure for FOIA with specific contact information for the agency Chief FOIA Officer, FOIA Public Liaison(s) and any other public points of contact; (2) the process for responding to FOIA requests; and (3) links to agency FOIA reports, including the Annual FOIA Report and Chief FOIA Officer Report.

The Departmental FOIA Officer is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.9 Proactive Disclosures

The DOC Departmental FOIA Officer shall provide process and procedure that allow DOC to proactively disclose information. The procedures should identify records or record categories for proactive disclosure. It should include identification of those records or record categories that provide the public with key information about the operations and activities of the agency or are

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highly sought-after by the public — for example, by reviewing FOIA logs or public consultation to inform such disclosures.

The Departmental FOIA Officer is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.10 Congressional Requests

The OLIA shall provide guidance and oversight of the administrative process for analyzing and responding to Congressional requests for information.

The OLIA is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.11 Declassification

The Director of the Office of Security (OSY) shall provide management and oversight of the DOC declassification program to include how to access declassified materials and what types of information should be prioritized for declassification, as appropriate.

The Director of OSY is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.12 Participation

The ODE shall provide management and oversight of the DOC public participation efforts. The ODE shall work with BOU OPA/Communication team to ensure each BOU is developing processes and procedures to increase opportunities for public feedback. The ODE shall identify and share best practices, proposed changes to internal management and administrative policies to improve participation. These will include:

- Descriptions of and links to websites or platforms where the public can engage in existing participatory processes.
- Proposals for new public feedback mechanisms, including innovative tools and practices that create new and easier methods for public engagement.

The ODE is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

5.13 Collaboration

The ODE shall provide management and oversight of the DOC collaboration efforts. The ODE shall work with OCIO, BOU OPA/Communication, and DOC Web team to ensure the Department

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developing processes and procedures to improve collaboration, including steps the agency will take to revise its current practices in further cooperation with other Federal and non-Federal governmental agencies, the general public, and non-profit and private entities in fulfilling the agency's core mission activities.

The ODE is responsible for establishing annual metrics and quarterly reporting of the metrics as part of the Open Government program.

Appendix A – Open Government Senior Leader Assignment Memorandum

Commerce Open Government Assignment Assignment Memorandum

MEMORANDUM FOR: Catrina D. Purvis
Chief Privacy Officer and Director of Open Government

FROM: _____
(Name of BOU) Under Secretary/Administrator

SUBJECT: Assignment of Open Government Senior Leader for Name of BOU

In accordance with the Department of Commerce (DOC) Operations Plan, I hereby appoint _____ (*insert name of employee*) to act on my behalf in the matters of Open Government (OG). The employee identified above, representing _____ (*insert name of BOU*), is qualified to manage the Bureau/Operating Unit (BOU) Open Government program. These duties will include the following responsibilities:

- Speak for and represent the BOU Undersecretary/Administrator on all matter pertaining to OG
- Internal/external BOU collaboration and coordination of Open Government activities
- Sharing the BOU ideas, practices, programs, and initiatives with other OGSL;
- Developing and implementing the BOU Open Government Plan;
- Integrating Open Government into the BOU Programs and business line as core elements/processes within the BOU lifecycle management process;
- Reporting progress on existing programs progress for integration of Open Government into program lifecycle;
- Reporting efforts to meet the Open Government Objectives within the organizational purview;
- Provide proactive feedback on new and proposed Open Government efforts to allow the Department to develop and implement these efforts where appropriate; and
- Upon request, represent the Department and their BOU on Office of Management and Budget working groups.

EMPLOYEE SIGNATURE _____

[Employee signature indicates that he/she has read, understands, and agrees to comply with the OGSL roles and responsibilities.]

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Appendix B – Data.gov Information Asset Inventory Process Workflow

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Information Asset Inventory Process Workflow

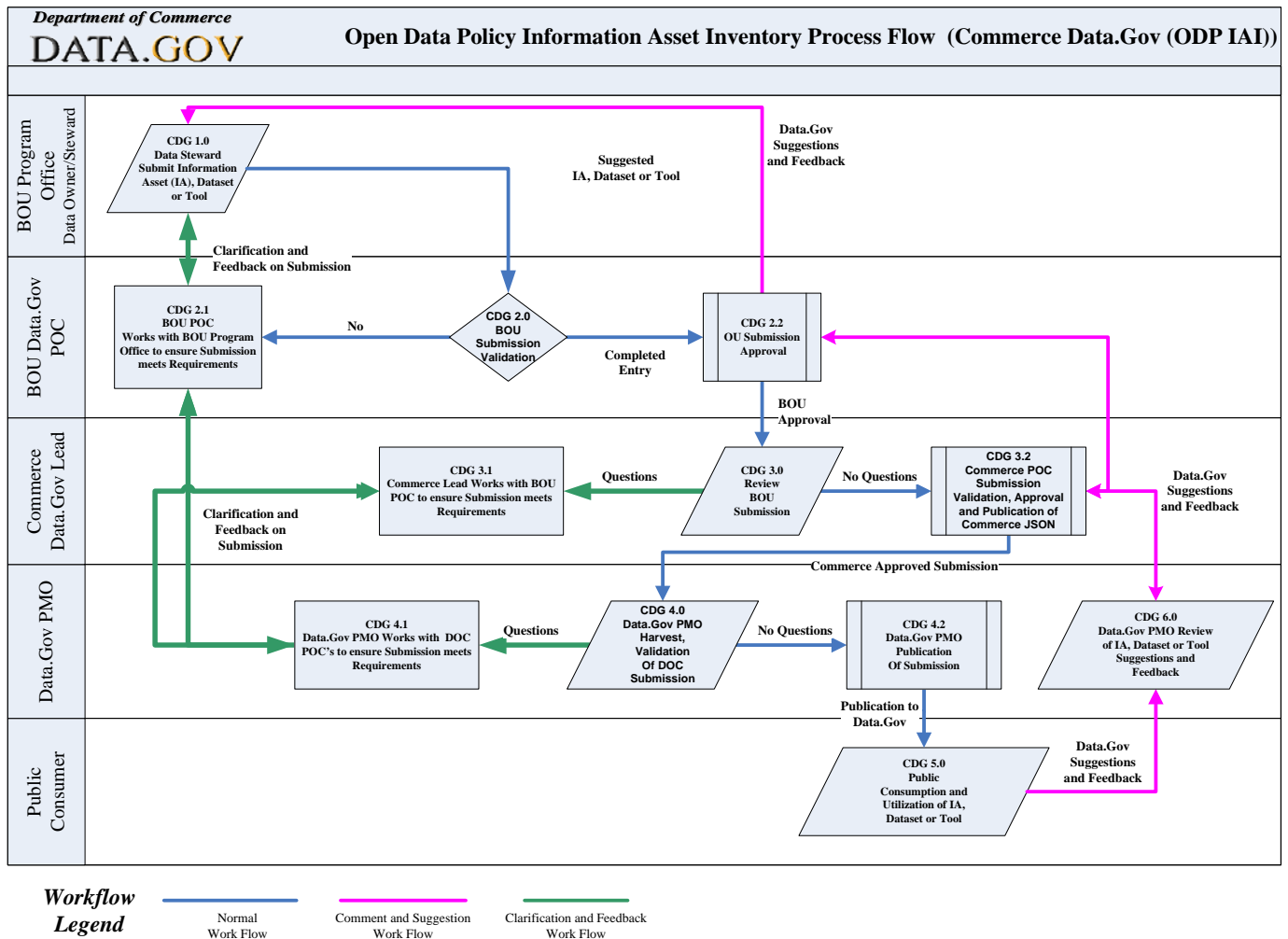


Figure 1 – Information Asset Inventory Process Workflow

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Information Asset Inventory Submission Workflow

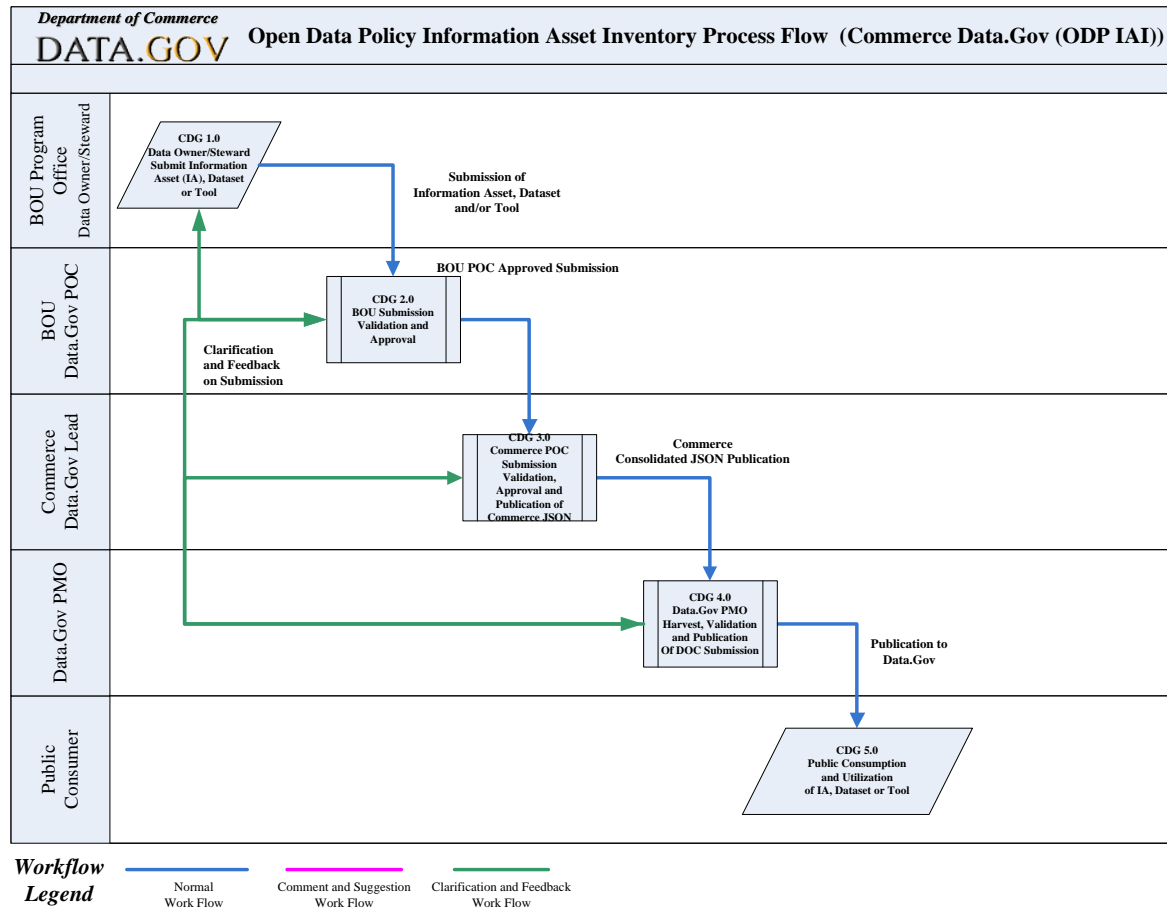


Figure 2 – Information Asset Inventory Submission Workflow

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Information Asset Inventory Comments and Suggestion Workflow

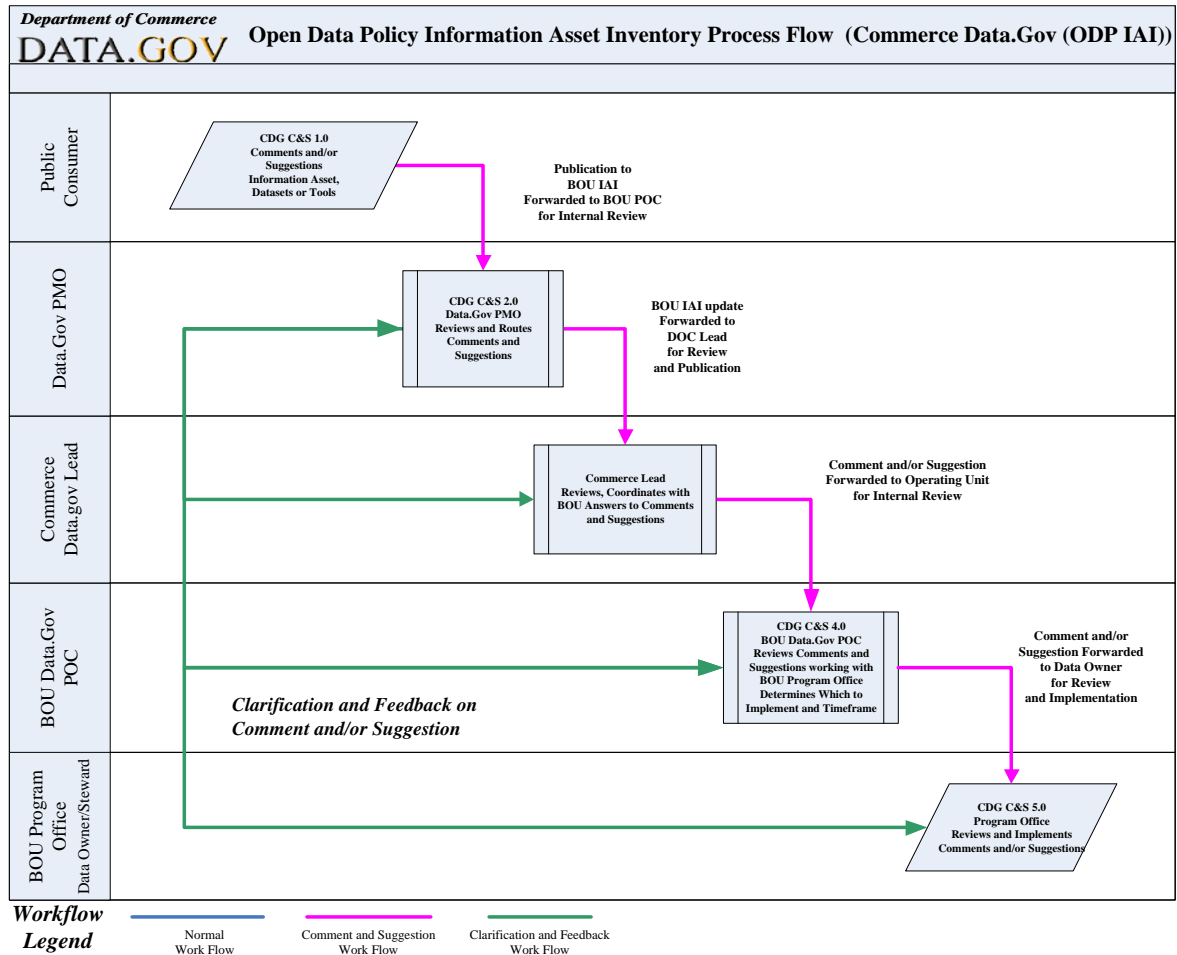


Figure 3 – Information Asset Inventory Comments and Suggestion Workflow