




ADMINISTRATOR  
OFFICE OF  
INFORMATION AND  
REGULATORY AFFAIRS

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OFFICE OF MANAGEMENT AND BUDGET  
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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES,  
AND INDEPENDENT REGULATORY AGENCIES

FROM: Cass R. Sunstein   
Administrator

SUBJECT: Paperwork Reduction Act – Generic Clearances

On January 21, 2009, the President issued a memorandum calling for the establishment of “a system of transparency, public participation, and collaboration.” The memorandum required an Open Government Directive to be issued by the Director of the Office of Management and Budget (OMB), instructing “executive departments and agencies to take specific actions implementing the principles set forth in this memorandum.”

Following the President’s memorandum, OMB’s Open Government Directive requires a series of measures to promote the commitments to transparency, participation, and collaboration. Section 4 of the Directive specifically instructs the Administrator of the Office of Information and Regulatory Affairs (OIRA) to “review existing OMB policies, such as Paperwork Reduction Act guidance and privacy guidance, to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government.”

In accordance with the Open Government Directive’s call for clarifying guidance, this Memorandum outlines the availability and uses of “generic” Information Collection Requests (ICRs). Clearances of generic ICRs provide a significantly streamlined process by which agencies may obtain OMB’s approval for particular information collections—usually voluntary, low-burden, and uncontroversial collections. Generic ICRs are a useful way for agencies to meet the obligations of the Paperwork Reduction Act of 1995 (PRA)<sup>1</sup> while eliminating unnecessary burdens and delays. They can be used for a number of information collections, including methodological testing, customer satisfaction surveys, focus groups, contests, and website satisfaction surveys.

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<sup>1</sup> 44 U.S.C. chapter 35; see 5 CFR Part 1320.

## **What is a generic ICR and when is it appropriate?**

Before a Federal agency may collect information or sponsor the collection of information from the public, the PRA requires the agency (1) to seek public comment on proposed collections and (2) to submit proposed collections to OMB for review and approval.<sup>2</sup> A generic ICR is a request for OMB approval of a plan for conducting more than one information collection using very similar methods when (1) the need for and the overall practical utility of the data collection can be evaluated in advance, as part of the review of the proposed plan, but (2) the agency cannot determine the details of the specific individual collections until a later time. Most generic clearances cover collections that are voluntary, low-burden (based on a consideration of total burden, total respondents, or burden per respondent), and uncontroversial. A generic clearance may cover multiple Federal agencies, with one agency as the lead.

An agency might, for example, have a general plan to gather views from the public through a series of customer satisfaction surveys in which the agency asks the public about certain agency activities. As part of this plan, the agency would construct, distribute, and analyze the surveys in a similar manner, and the agency would customize each survey. Because the agency sought public comment on the plan, it would not need to seek public comment on each specific information collection that falls within the plan. Instead, agencies need only obtain OMB approval for the specific information collection after a typically brief period of review, subject to the terms of the generic clearance developed during prior OMB review.

In compliance with the PRA's public notice requirements,<sup>3</sup> this general plan would be subject to the standard 60- and 30-day public comment periods. These comment periods provide the public with the opportunity to engage with Federal agencies while they are developing their information collection plans. Examples of currently approved generic clearances are available in the Appendix.

## **What is the process to request a generic clearance?**

Because a generic ICR does not permit the public to examine the details of each individual collection, the supporting statement should describe these activities as carefully and completely as possible,<sup>4</sup> including a discussion of the following:

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<sup>2</sup> Additional background information on the PRA is provided in OMB's memorandum of April 7, 2010, on "Information Collection under the Paperwork Reduction Act;" available at [http://www.whitehouse.gov/omb/assets/inforeg/PRAPrimer\\_04072010.pdf](http://www.whitehouse.gov/omb/assets/inforeg/PRAPrimer_04072010.pdf).

<sup>3</sup> 44 U.S.C. § 3506(c)(2)(A); 44 U.S.C. § 3507(a)(1)(D). As with all information collection requests, the public notice must ask the public to evaluate whether the proposed collection of information is necessary; to assess the accuracy of the agency's burden estimate; to comment on how to enhance the quality, utility, and clarity of the information to be collected; and to comment on how to minimize the burden of the collection of information. 44 U.S.C. § 3506(c)(2)(A).

<sup>4</sup> Both OMB and the agency have a large stake in the adequacy of the plan. Time and attention devoted to development and review of the plan will avoid questions and controversies at other stages of OMB review and allow for meaningful public comment. A generic ICR that proposes generally to "survey" the public or to "interact" with the public via a website is not sufficient, because it does not explain to the public how the agency plans to engage with the public or how the information will be used.

- the method of collection and, if statistical methods will be used, a discussion of the statistical methodology;
- the category (or categories) of respondents;
- the estimated “burden cap,” i.e., the maximum number of burden hours (per year) for the specific information collections, and against which burden will be charged for each collection actually used;
- the agency’s plans for how it will use the information collected;
- the agency’s plans to obtain public input regarding the specific information collections (i.e., consultation); and
- the agency’s internal procedures to ensure that the specific collections comply with the PRA, applicable regulations, and the terms of the generic clearance.<sup>5</sup>

The agency should include sufficient information in the supporting statement (and any other material presented for public comment and submitted to OMB as part of the request for approval) to allow OMB to determine whether “the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility,”<sup>6</sup> and thus to approve the generic ICR. Once approved by OMB, a generic ICR becomes a generic clearance that may remain in place for up to the PRA’s maximum approval period of three years.<sup>7</sup>

After an agency’s plan is approved, the agency submits specific information collections (e.g., individual focus group scripts, test questions, surveys) to OMB for review, in accordance with the terms of clearance set upon approval of the plan. These specific information collections are included in the PRA public docket<sup>8</sup> prior to their use. If the specific information collection falls outside the scope of the generic clearance or is otherwise inconsistent with the terms of the generic clearance, OMB will return the proposed information collection to the agency for additional consideration or require that the full PRA process be followed, including public notice and comment, for the review and approval of that information collection.

### **What resources are available to provide assistance?**

An agency’s internal resources, coordinated by the agency’s Chief Information Officer or paperwork clearance officer, are often the best sources for guidance and assistance, and can provide information on an agency’s experience with generic clearances. OIRA provides PRA guidance on its website,<sup>9</sup> and OIRA staff are available to help agencies determine how to prepare and implement generic clearances. To determine whether their plans are appropriate for this type

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<sup>5</sup> For collections involving statistical methods (e.g., if the generic clearance will include quantitative surveys), involvement by a professional statistician within the agency will be appropriate (to the extent feasible).

<sup>6</sup> 44 U.S.C. § 3508.

<sup>7</sup> See 44 U.S.C. § 3507(g).

<sup>8</sup> <http://www.reginfo.gov/public/do/PRAMain>

<sup>9</sup> [http://www.whitehouse.gov/omb/inforeg\\_default/](http://www.whitehouse.gov/omb/inforeg_default/)

of approval, agencies are encouraged to consult with their OIRA desk officers before submitting a generic clearance.

## Appendix: Sample Generic Clearances

### Currently Approved Generic Clearances

OMB has approved many generic clearances for agencies, including the following:<sup>10</sup>

#### *Methodological Testing or Other Pretesting*

Agencies that regularly do pretesting and development work for multiple surveys have found it beneficial to obtain a generic clearance for these kinds of studies, including cognitive interviews, focus groups, and respondent debriefings. This type of generic clearance can be useful when an agency knows that methodological research will be needed (e.g., questionnaire development or testing of new survey questions to address emerging policy issues), but cannot fully predict the specific surveys or sections of a survey for which testing will be needed. Agencies may also find a generic clearance useful for preliminary tests designed to sharpen the options for survey planning or feasibility tests to determine if any further data collection might be useful. A generic clearance can also greatly facilitate iterative rounds of testing. For example, the Census Bureau and the Bureau of Labor Statistics have had this kind of generic clearance for many years and have used it to conduct pretesting of new and existing surveys, as well as other basic methodological research to gain insight into aspects of data quality.<sup>11</sup>

#### *Focus Groups*

Agencies occasionally host focus groups to explore program or customer service issues that arise from time to time. The supporting materials for these types of generic ICRs should include an explanation of how an agency generally plans to use such focus groups, with details including the kinds of topics to be covered, the typical duration of focus groups, and any planned incentives that the focus group participants will receive. Each specific information collection should include documentation of the subject and goals of the focus group activity as well as the facilitator's script. As noted, some agencies incorporate focus groups into their pretesting generic clearances.

#### *Message Development and Testing*

When agencies seek to develop messages for media or educational campaigns, they often conduct research to create messages that different target audiences will find clear, attractive, interesting, and useful. These messages are often developed and tested through iterative rounds of focus groups and one-on-one interviews with small samples. As with the generic clearance for methodological pretesting, agencies are often in a position to specify the methodological approach in advance, but may not be able to provide the specific substance or perhaps even

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<sup>10</sup> OMB Control Numbers for the examples are provided in this Appendix; they may be used to view the supporting statement(s), terms of clearance, and other supporting materials in the public docket available at <http://www.reginfo.gov/public/do/PRAMain>. These references are included to assist agencies seeking examples. This is merely an illustrative list, and agencies are encouraged to consult with OMB on other proposed activities.

<sup>11</sup> The Census Bureau's generic clearance for pretesting is 0607-0725; the Bureau of Labor Statistics' generic clearance for pretesting is 1220-0141.

subject areas where testing will be needed. For example, the Office of National Drug Control Policy,<sup>12</sup> and the Census Bureau<sup>13</sup> have used this kind of generic clearance to develop and test media campaign messages, and a generic clearance has been used by the Centers for Disease Control and Prevention<sup>14</sup> to develop and test different kinds of health messages for educational campaigns.

### *Customer Satisfaction Surveys*

Customer satisfaction surveys are a valuable method for learning about agency products and services from a customer's perspective. Such surveys can provide important insights into customer judgments about an agency's performance. In particular, they can help identify agency operations that need improvement and promote early detection of problems.

In response to agencies' need to conduct customer surveys, OMB has developed a generic clearance model for such surveys. This form of generic clearance is available for strictly voluntary collections of information from customers who have experience with the program that is the subject of each collection.<sup>15</sup> Agency proposals for this type of generic clearance should include a description of the kinds of customer surveys the clearance will cover (e.g., phone surveys, in-person interviews, website surveys), as well as the agency program(s) they will address.

Agencies take several approaches to customer satisfaction surveys. Some agencies use a generic clearance to gather strictly qualitative information for internal use by providing an opportunity for all of their customers to provide comments and answer a small number of questions. Other agencies conduct sample surveys of customers and use a more quantitative approach. Agencies may prefer to use a "core" satisfaction survey with many programs, customized for different groups by including specific questions related to a particular service or publication they use.<sup>16</sup>

Two generic clearances that have been operating for several years were developed by the National Park Service (NPS) and the Internal Revenue Service (IRS). The NPS built its own catalog of tested questions covering a broad spectrum of issues involved in operating a national park. The NPS generic clearance<sup>17</sup> also includes several approved methods (i.e., sample designs)

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<sup>12</sup> 3201-0006.

<sup>13</sup> 0607-0950.

<sup>14</sup> 0920-0572.

<sup>15</sup> This type of generic clearance is not appropriate (1) for use by regulatory agencies to survey regulated entities in situations in which the respondent may perceive risks to his or her interests, either through potential penalties or loss of benefits or (2) for collecting data from the general public (as opposed to customers).

<sup>16</sup> Some agencies participate in the government-wide American Customer Satisfaction Index (ACSI) survey clearance, which is administered by the Federal Consulting Group (FCG) in the National Business Center (NBC) in the Interior Department (1090-0007). FCG prepares the general plan for public comments and OMB review every three years, works with agencies to customize the surveys, and handles the submission of the specific information collections to OMB. As a shared service provider, FCG undertakes this work on behalf of agencies under a fee-for-service relationship that includes the survey, data collection, modeling, analysis, and reporting of the results.

<sup>17</sup> 1024-0224.

for administering the questions to respondents. The components of this plan were developed with considerable effort and extensive consultation with OMB to provide flexibility to the local managers of national parks. Using this tool, managers can quickly assemble surveys in “kit” form to address current problems and charge the reporting burden against the burden cap of the generic clearance.

The IRS has a well-established program of customer satisfaction measurement<sup>18</sup> that stipulates specific methods, including professional design, adequate follow-up, and a commitment to high response rates. The model covers opinion questions only and includes steps to ensure that response is perceived as purely voluntary. In this generic clearance, qualitative and quantitative data collections are managed together.

### *Website Satisfaction Surveys*

Many agencies have ongoing programs to improve the appearance and functionality of their websites. One part of these programs can involve the gathering of information from website users. In this context, the agency is sometimes not seeking (and does not need) quantitative, representative, or generalizable results, but instead qualitative, anecdotal information to help target areas for website improvement. For example, an agency might host a survey to gather ideas about how website users react to a redesigned website.<sup>19</sup> Using a generic clearance, an agency could establish a plan for periodic surveys of website users to obtain feedback on different aspects of the website, without having to know in advance which specific aspects of the website will be the subject of the surveys.<sup>20</sup>

### *Prize Competitions and Contests*

Agencies might have a plan to sponsor a series of prize competitions or contests—for example, to collect ideas for improving programs, to promote innovation, or to encourage broad social participation.<sup>21</sup> Some competitions are not subject to the PRA (if no additional information is collected beyond what is necessary to contact the entrant), but a contest in which entrants provide demographic information or responses to a structured set of questions is generally subject to the PRA. An agency might consider a generic clearance if it has a plan to use a series of these kinds of competitions or contests to encourage input from the public. For

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<sup>18</sup> 1545-1432.

<sup>19</sup> Similar to the ACSI survey clearance noted above, FCG administers a generic clearance for website satisfaction surveys (1090-0008). This is also managed by FCG using a fee-for-service model. Service includes survey, modeling, analysis, and reporting.

<sup>20</sup> Please note that (1) general solicitations for feedback (e.g., online “suggestion boxes”) about website functionality and (2) website customization such as faceted navigation are not subject to the PRA. See “Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act,” available at [http://www.whitehouse.gov/omb/assets/inforeg/SocialMediaGuidance\\_04072010.pdf](http://www.whitehouse.gov/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf) (pages 4 and 6).

<sup>21</sup> Two recent guidance documents provide additional information on prize competitions and contests. See “Guidance on the Use of Challenges and Prizes to Promote Open Government,” available at [http://www.whitehouse.gov/omb/assets/memoranda\\_2010/m10-11.pdf](http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-11.pdf); “Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act,” available at [http://www.whitehouse.gov/omb/assets/inforeg/SocialMediaGuidance\\_04072010.pdf](http://www.whitehouse.gov/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf).



example, the Department of Education recently sought public comments on its proposal to run up to four outreach contests per year.