



April 21, 2022
PA-22-01

PROGRAM ADVISORY

TO: Designated Agency Ethics Officials

FROM: Shelley K. Finlayson
Chief of Staff and Program Counsel

SUBJECT: Agency Practices Data Call: Release of Ethics Documents under the Ethics in Government Act

This Program Advisory announces a data call for agency practices related to fulfilling requests for ethics documents released under the Ethics in Government Act and attaches an advance copy of the survey questions. The information requested must be submitted to the U.S. Office of Government Ethics (OGE) by May 13, 2022.

OGE seeks this information in order to better carry out its responsibilities with regard to the executive branchwide ethics program.¹ One of the critical responsibilities of ethics officials is to release ethics documents upon request.² The release of ethics records, including public financial disclosure reports, is vital to promoting public confidence in executive branch decision-making. The results of this data call will provide OGE insight into each agency's implementation of this key element of their ethics program. OGE will use the results to inform future guidance and to share promising practices with executive branch ethics officials.

The sections below explain how and when to submit a response, provide background information, and describe the availability of the data.

I. How and When to Submit a Response

On May 2, 2022, OGE will email Designated Agency Ethics Officials (DAEOs) and their Alternates (ADAEOs) a link to the online tool that agencies will use to submit their response to the data call. Agencies must submit their response electronically through that online tool. OGE will not accept responses in any other format. OGE will accept only one response per agency.

Agency responses are due May 13, 2022.

¹ OGE is the "supervising ethics office" for the executive branch ethics program. *See* 5 U.S.C. app. § 109(18)(D). The information subject to this data call is necessary for the OGE Director's performance of duties and in furtherance of OGE's mission with respect to the executive branch ethics program. *See* 5 U.S.C. app. §§ 402(b)(10), 403(a)(2); *see also* 5 C.F.R. § 2638.202.

² *See* 5 U.S.C. app. § 105(a); *see also* 5 C.F.R. § 2634.603; OGE Program Advisory PA-18-03 (Dec. 6, 2018).



II. Background

An agency's ethics program involves a variety of elements and functions, including leadership support, financial disclosure, education and training, ethics counseling, conflict remedies, and transparency.³ Every year, agencies report on these elements and functions in the Annual Agency Ethics Program Questionnaire (questionnaire).

In 2018, as a result of a comprehensive review of the purpose and utility of the questionnaire, OGE separated its collection of program information into two distinct data calls: an annual, compliance-focused questionnaire and a triennial data call focused on program practices. By inquiring about agency practices separately from compliance, OGE can identify the wide array of strategies that have been implemented across the executive branch and share this information with ethics officials. OGE selects a different program element to focus on every three years based on its assessment of what will have the most value to ethics officials and provide useful program insights.

OGE recognizes that agencies implement the ethics program requirements in a variety of ways, which reflect differences in agency size, structure, mission, and other factors. Therefore, the questions in this data call are structured to allow agencies flexibility to identify and describe the practices they use.

III. Public Availability of the Data

OGE will make the results of the data call available to the public in a summary report that will be posted on its website at: https://www.oge.gov/web/oge.nsf/accessdocs_summary-reports.

If you have questions, please contact Nicole Stein at 202-482-9255 or nstein@oge.gov.

Attachment

³ See 5 U.S.C. app. §§ 101-111; see also 5 U.S.C. app. § 402; 5 C.F.R. pt. 2634; 5 C.F.R. §§ 2638.101-310.

Agency Practices Data Call: Release of Ethics Documents under the Ethics in Government Act

Requests

1. Does your agency's website contain any of the following? Check all that apply.

- A link to OGE Form 201
- Contact information for submitting requests for ethics documents
- Automated processing of document requests
- Other (please describe)
- None of the above

2. Generally, how do requestors submit ethics document requests to your agency? Check all that apply.

- OGE Form 201
- A form your agency has created
- An email or mail containing the statutorily required information from the requestor (that person's name, occupation, address; the name and address of any other person or organization on whose behalf the inspection or copy is requested; that such person is aware of the prohibitions on the obtaining or use of the report. 5 U.S.C. app. § 105(a)(2)(A))
- Other (please describe)

3. Does your agency require requestors to list the individual's name whose ethics documents they are requesting in order to fulfill a request?

- Yes – in all cases
- Yes – in some cases (please explain)
- No

If yes:

a. How do you provide information about which individuals have ethics documents that are available for request from your agency? Check all that apply.

- Provide a list on the agency website
- Release in response to a FOIA request
- Other (please describe)
- None of the above

b. What is your agency's rationale for requiring requestors to list the individual's name to fulfill a request?

Fulfillment

4. Does the ethics office at your agency have primary responsibility for fulfilling requests for documents under the Ethics in Government Act?
- Yes
 - No

If no:

a. Who has primary responsibility? _____

5. Describe your agency's process for fulfilling ethics document requests under the Ethics in Government Act (e.g., receipt, routing, approval, release, tracking, records management, communications with requestors).

Tracking

6. Does your agency track the number of days it takes to release documents under the Ethics in Government Act?
- Yes – in all cases
 - Yes – in some cases
 - No
 - Don't know

If yes:

a. On average, how long would you estimate it takes to fulfill a request for a single ethics document? _____

b. What, if any, of the following increases the average time to fulfill a request? Check all that apply.

- Requests for more than one type of ethics document (e.g., financial disclosures, ethics agreements, waivers)
- Ethics documents for multiple individuals
- Ethics documents for individuals whose documents have not been requested before
- The number of ethics documents requested
- The time span of the ethics documents (e.g., an individual's documents over multiple years)
- How the request is submitted (e.g., online system, email, mail)

- Other (please describe)
- None of the above

7. In the last 12 months, which of the following documents have been requested and, if known, what was the approximate number of requests for each kind of document? Check all that apply and fill in your estimate.

- Nominee financial disclosure reports
- # of Documents requested: _____
- New entrant financial disclosure reports
- # of Documents requested: _____
- Annual financial disclosure reports
- # of Documents requested: _____
- Termination financial disclosure reports
- # of Documents requested: _____
- Periodic transaction reports
- # of Documents requested: _____
- 208 (b)(1) waivers
- # of Documents requested: _____
- 208(b)(3) waivers
- # of Documents requested: _____
- Cover letter for approved waiver requests
- # of Documents requested: _____
- Filers request to see who requested their ethics documents
- # of Documents requested: _____
- Other _____
- No documents requested
- Don't track

8. In the last 12 months, whose ethics documents have been requested? Check all that apply.

- Political appointees
- SES
- GS or equivalent
- Other (please describe)
- None
- Don't know

9. Please share any known limitations on the data relied upon to respond to this survey.

10. Please share any additional comments you may have, including any promising practices that you find to be helpful in responding to requests.

Point of contact to answer OGE follow up questions regarding this Data Call:

Name:

Title/Position:

Email Address:

Phone Number: