

Exclusions to the regulatory definition of “information” under Paperwork Reduction Act (September 5, 2014)

The following table shows (1) exclusions to the definition of “information” under PRA regulations and (2) uses of those exclusions for social media and other web-based technologies, as described in OMB guidance on the PRA.

Item	Description	Citation
1. Regulatory exclusions to the definition of “information”		
a. Affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments	Affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments; provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument (by contrast, a certification would likely involve the collection of “information” if an agency conducted or sponsored it as a substitute for a collection of information to collect evidence of, or to monitor, compliance with regulatory standards, because such a certification would generally entail burden in addition to that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument)	5 C.F.R. 1320.3(h)(1)
b. Samples	Samples of products or of any other physical objects	5 C.F.R. 1320.3(h)(2)
c. Direct observation	Facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency or through non-standardized oral communication in connection with such direct observations	5 C.F.R. 1320.3(h)(3)
d. General solicitations	Facts or opinions submitted in response to general solicitations of comments from the public, published in the <i>Federal Register</i> or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration of the comment	5 C.F.R. 1320.3(h)(4)
e. Clinical examinations	Facts or opinions obtained initially or in follow-on requests, from individuals (including individuals in control groups) under treatment or clinical examination in connection with research on or prophylaxis to prevent a clinical disorder, direct treatment of that disorder, or the interpretation of biological analyses of body fluids, tissues, or other specimens, or the identification or classification of such specimens	5 C.F.R. 1320.3(h)(5)
f. Single person	A request for facts or opinions addressed to a single person	5 C.F.R. 1320.3(h)(6)
g. Examinations	Examinations designed to test the aptitude, abilities, or knowledge of the persons tested and the collection of information for identification or classification in connection with such examinations	5 C.F.R. 1320.3(h)(7)
h. Public meetings	Facts or opinions obtained or solicited at or in connection with public hearings or meetings	5 C.F.R. 1320.3(h)(8)
i. Non-standardized follow-up	Facts or opinions obtained or solicited through non-standardized follow-up questions designed to clarify responses to approved collections of information	5 C.F.R. 1320.3(h)(9)
j. Like Items	Like items so designated by OMB	5 C.F.R. 1320.3(h)(10)

2. Uses of the “general solicitations” regulatory exclusion for social media and other web-based technologies		
a. Electronic subscriptions to agency notifications or publications	Mailing addresses collected for agency mailing lists to be information subject to the PRA; email addresses for agency updates, alerts, publications, or email subscription services; mobile phone numbers for text notification lists; addresses for RSS feeds, which allow individuals to customize and subscribe to updates from websites; and certain “send to a friend” forms	Social Media Guidance p.4 5 C.F.R. 1320.3(h)(4)
3. Uses of the “public meetings” regulatory exclusion for social media and other web-based technologies		
a. Wikis and collaborative drafting platforms	Web-based collaboration tools that merely facilitate interactions between the agencies and the public	Social Media Guidance p.5 5 C.F.R. 1320.3(h)(8)
4. Uses of the “like items” regulatory exclusion for social media and other web-based technologies		
a. User accounts	Items collected to create user accounts or profiles for agency websites. This category does not apply to information collected for programmatic purposes	Social Media Guidance p.5 5 C.F.R. 1320.3(h)(10)
b. Website customization	Items collected to allow users to customize or influence the appearance of an agency website. This category includes faceted navigation, which permits website users to filter website content	Social Media Guidance p.6 5 C.F.R. 1320.3(h)(10)
c. Ratings and rankings	Social media tools that allow the public to rate, rank, vote on, flag, tag, label, or similarly assess the value of ideas, solutions, suggestions, questions, and comments posted by website users	Social Media Guidance p.6 5 C.F.R. 1320.3(h)(10)
d. Voluntary commercial transactions	Information that is necessary for the selection, payment, or delivery of an item, or to identify the person ordering an item, if such information is used solely for the purpose of completing a commercial transaction	Social Media Guidance p.6-7 5 C.F.R. 1320.3(h)(10)
e. Contests	Contents, potentially with a prize to the best submission, asking the general public for ideas for improving current practices under a statute that it administers, for potential solutions to a scientific, technological, social, or other problem, or for innovations that might advance an agency’s mission. Please see OMB guidance on this category ¹	Social Media Guidance p.7 5 C.F.R. 1320.3(h)(10)
f. Data customization	Items collected to allow users to select or customize agency data. This category includes filtering data content through drop down menus and standardized text or numeric entries	Data Search Tool and Calculator Guidance, p.3 5 C.F.R. 1320.3(h)(10)
g. Data calculation	Items collected to allow users to obtain information from a table or formula, if the items are used solely to help the user obtain information and will not be used for other purposes	Data Search Tool and Calculator Guidance, p.3 5 C.F.R. 1320.3(h)(10)

¹ See “Frequently Asked Questions related to Challenges and Prizes,” available at <<http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/challenge-and-prizes-faqs.pdf>>.