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OFFICE OF MANAGEMENT AND BUDGET
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ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

**MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND
AGENCIES AND INDEPENDENT REGULATORY AGENCIES**

From: Richard L. Revesz 
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Subject: Supporting Usability Testing Through Paperwork Reduction Act
Flexibilities

The Paperwork Reduction Act of 1995 (PRA)¹ sets out processes that are designed to ensure that the value and burden of information collections are considered carefully. “Usability testing” is a vital public engagement tool that allows agencies to evaluate new or existing information collections. Usability testing can help identify aspects of information collections that impose unnecessary burdens on the public or decrease the effectiveness of agencies’ programs. Accordingly, usability testing of information collections furthers the statutory goals of the PRA. The Office of Information and Regulatory Affairs (OIRA) encourages agencies to conduct usability testing, as well as other user research methods, whenever possible.

While usability testing is often not subject to the PRA, OIRA is aware that confusion regarding the PRA’s applicability has been a barrier to its use by some agencies. Over the years, OIRA has provided guidance to clarify and streamline the required PRA processes in order to mitigate confusion or adapt to new approaches to engaging with the public.² This memorandum is intended to further clarify the PRA’s applicability to usability testing and offer additional guidance on how improvements identified through usability testing can be implemented quickly.

Part I of this guidance clarifies the applicability of the PRA to usability testing of Federal paper or digital forms and websites.³ Part II of this guidance discusses how agencies can quickly implement improvements to their forms and websites based on the results of usability testing.

¹ For the purposes of this document, the PRA refers to the requirements for information collections found in 44 U.S.C. 3501–3520.

² Off. of Info. & Regul. Affs., Flexibilities under the Paperwork Reduction Act for Compliance with Information Collection Requirements (July 22, 2016), available at www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/inforeg/inforeg/praflexibilities_memo_7_22_16_final.pdf.

³ For a full list of exclusions to the PRA definition of “information,” please see *Exclusions to the regulatory definition of “information” under Paperwork Reduction Act* (Sept. 5, 2014), available at www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/inforeg/inforeg/memos/2014/appendix-data-search-tools-calculators.pdf.

Part I: Conducting Usability Testing Under the PRA

1. What is usability testing?

For the purposes of this guidance, usability testing is a type of user research that consists of **asking users to navigate or perform tasks with a paper or digital form or website while observing them in-person or remotely, and engaging with them by asking semi-structured or open-ended questions.**

Usability testing is part of a larger process of understanding how real-world users interact with and use paper and digital forms, websites, or services from Federal agencies. By listening to their comments and feedback, agencies can better understand users' experiences, which can then be used to improve collections and reduce burden on the public.

There are other types of user research besides usability testing that are not discussed in this guidance.⁴ User experience teams or other program components are encouraged to consult internally with agency PRA officials or with their OIRA desk officer if they are unsure whether certain types of user research require PRA approval, or to determine if a generic clearance is available to expedite that research.⁵

2. Do agencies need to go through the PRA process to do usability testing?

If an agency is conducting usability testing with fewer than 10 individuals, the PRA generally does not apply. For 10 or more individuals, agencies do not need to go through PRA information collection review and approval to conduct usability testing of a paper or digital form or website, as long as the questions asked and the intended use is consistent with certain criteria:

- **Does NOT require PRA review and approval:**
 - Agency staff or contractors directly observing any number of individuals who are interacting with a paper or digital form, website, or service.
 - Agency staff or contractors asking any number of individuals structured, semi-structured, or open-ended questions in conducting usability testing to improve a paper or digital form, website, or service.⁶ Non-exhaustive examples of questions that could be asked include the following:
 - “What would you do next?”
 - “Where on the website would you go to apply for this program?”

⁴ For example, cognitive interviewing (see OMB Statistical Policy Directive No. 2); interviews for the development of research questions, measurement constructs, or survey items; surveys to recruit or screen potential testers; or interviews for “pre-testing” of surveys. Off. of Info. & Regul. Affs., Off. of Mgmt. & Budget, Statistical Policy Directive No. 2 Addendum: Standards and Guidelines for Cognitive Interviews (April 2021), *available at* www.whitehouse.gov/wp-content/uploads/2021/04/final_addendum_to_stat_policy_dir_2.pdf.

⁵ Even if your component agency does not have a generic clearance, OMB has approved generic clearances at the department or agency level that are designed and available for subcomponents of an agency to use.

⁶ Pursuant to its authority to identify other “like items” that are not “information” under the PRA, 5 CFR § 1320.3(h)(10), OMB does not consider structured, semi-structured, or open-ended questions asked during usability testing for the purpose of reducing burden associated with a paper or digital form, website, or service to be “information.”

- “What was your experience applying for Federal benefits in the past? How does this experience compare?”
 - “How would you access this form? Do you have internet on a personal device?”
 - “You look frustrated by this process; can you explain why?”
 - “What is your overall impression of this form?”
- **Does require PRA review and approval:**
 - Agency staff or contractors gathering information from the public (1) to make causal inferences in a way that implies statistical rigor, including if the agency plans to publicly share descriptive statistics derived from the information; or (2) to be used in program or benefits adjudication.
 - Collecting or maintaining personally identifiable information (PII),⁷ except for PII needed to contact usability testing participants. Agencies should coordinate with their Senior Agency Officials for Privacy and privacy programs to minimize the collection and retention of any PII that participants submit as part of the usability testing.
 - Questions that relate to the development of surveys, program effectiveness metrics, or outcome measures.

Part II: Incorporating Improvements Based on Usability Testing

Usability testing is designed to identify issues with—and potential improvements to—new or existing paper or digital forms, websites, or services. When standing up a new program, form, or online system, agencies can incorporate any pre-launch usability feedback during its creation and initial PRA approval.

If feedback about an existing paper or digital form identifies potential improvements, OIRA encourages agencies to quickly incorporate those changes. If left unaddressed, these issues can significantly decrease the usefulness of the product, unnecessarily burdening the public or the agency. The material below discusses how to incorporate improvements from usability testing in existing paper and digital forms in compliance with the PRA.

Further, this part discusses how usability testing plans within the PRA clearances of new and existing forms ensures future improvements identified by usability testing can be made quickly.

1. Types of expedited changes under the PRA

In general, there are two options to change an information collection without the requirement for additional public comment periods under the PRA. These are *de minimis* changes and non-substantive changes.⁸ Both may be used to quickly incorporate

⁷ The term *personally identifiable information* has a broad meaning. As defined in OMB Circular No. A-130, it refers to “information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other information that is linked or linkable to a specific individual.” Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circular No. A-130, at 33 (July 28, 2016), *available at* www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A130/a130revised.pdf.

⁸ *De minimis* and non-substantive changes are described in OMB guidance. See *supra* note 2.

improvements resulting from usability testing, because the agency does not need to seek public comment prior to implementing the changes.

- *De minimis changes*: De minimis changes are those that affect only the look and feel of a collection and do not need to receive PRA approval from OMB. De minimis changes are limited to design improvements or minor plain language edits that do not change the nature or type of information collected and do not increase burden on the public. For example, changes to the color, visual layout, or field sizes of a collection would be considered de minimis and can be completed at any time by the agency.
- *Non-substantive changes*: Non-substantive changes are more than just look and feel changes, but these changes do not introduce new concepts or have new intended uses for the data being collected that go beyond what was described in the original approval. While non-substantive changes must be submitted to OMB for approval, they do not need a 60- and 30-day comment period, and can often be approved by OMB within days.

2. How improvements can be implemented through de minimis changes

Usability testing often identifies issues that can be solved relatively quickly and, for the purposes of the PRA, are considered de minimis. These issues are often design choices that benefit from revision, such as a text box not being large enough to enter the necessary information or a color scheme that is hard to read. Fixes to other issues may simply improve the user's experience, such as reordering instructions, correcting grammar or framing questions in plain language, fixing an address or phone number, making a field or option more prominent, or updating an icon. These changes can generally be made without OMB approval.⁹

3. How improvements can be implemented through non-substantive changes

Sometimes usability testing identifies changes that exceed what OMB considers to be de minimis or "non-substantive." These kinds of changes generally require a 60- and 30-day public comment period before they can be approved by OMB.

However, if prior to OMB approval agencies describe their plan to conduct usability testing in an information collection request that follows normal PRA clearance procedures, OMB is more likely to approve more post-approval changes stemming from that testing as non-substantive, without the need for further public comment.¹⁰

In order to take advantage of this flexibility, agencies should do the following:

- include a usability testing plan (See *Section 4* below) as part of the PRA package submitted to OMB for approval (*i.e.*, as part of a new information collection

⁹ Agencies are encouraged to contact the relevant OIRA desk officer to discuss whether a change can be considered de minimis.

¹⁰ In other words, if agencies follow these steps, OMB will treat most changes stemming from usability testing after approval as though they are non-substantive changes under the PRA.

- request or in a revision to an existing collection, including generic information collections);
- describe the usability testing the agency plans to complete and the categories of changes that the agency is considering implementing based on the results of the usability testing; and
- incorporate this information in both the Supporting Statement A and the 60- and 30-day Federal Register notices for the original PRA package.

4. Usability testing plans

While not a precondition to conducting usability testing, a usability testing plan is an optional, useful tool to more quickly implement improvements identified through that testing. A usability testing plan is a written, high-level explanation of how an agency plans to test a paper or digital form, and the categories of changes the agency may make as a result. OMB encourages agencies to prioritize the most impactful collections when deciding whether to include a usability testing plan; conduct usability testing on an ongoing basis throughout the approval period of an information collection; and implement improvements that were identified through testing as soon as possible.

In order to more easily identify and implement improvements that reduce burden on the public, agencies can include a discussion of their usability testing plan in the 60- and 30-day Federal Register notices and in Question 8 of the Supporting Statement A of a new or revised information collection package. This discussion must include a high-level description of the usability testing and the categories of changes the agency may make as a result of testing. This discussion does not need to include the exact questions the agency plans to ask during usability testing.

When an agency decides to change the underlying collection of information based on the results of the usability testing, the agency may submit a non-substantive change request to OMB. As part of the non-substantive change request, the agency must show how the requested change is related to those results.

Example Usability Testing Plan Steps

An agency is seeking to revise and extend a paper form for 3-year approval. The agency plans to conduct usability testing of the form with ten or more members of the public, and would like to quickly implement any changes identified through that testing during the 3-year approval period of the form.

- **Step One:** In the 60- and 30-day Federal Register notices and in Question 8 of the Supporting Statement A, the agency explains that it will conduct multiple rounds of usability testing of the form over three years. The agency will observe up to fifty users as they fill out a form, and ask these users semi-structured or open-ended questions. The agency also explains that the categories of changes resulting from the testing may include improving instructional text, reframing and rewording questions, altering the question flow, incorporating skip logic, removing unnecessary data fields, and collapsing or dividing questions sets.
- **Step Two:** OMB reviews the information collection request, which includes the usability testing plan, and provides 3-year approval.

- **Step Three:** The agency performs ongoing usability testing of the form, as described in the plan. After initial testing, the agency identifies the need to revise the instructions and remove or revise a few questions that were confusing testing respondents and resulting in the submission of inaccurate information that could not be used by the agency.
- **Step Four:** At any point within the 3-year period of approval, the agency may submit the results of the testing and the specific changes to the form that arose from that testing as a non-substantive change request to OMB. In the submission, the agency explains how the results of the usability testing informed the requested changes.
- **Step Five:** OMB reviews the non-substantive change request to confirm the changes being requested were the result of usability testing. OMB approves the non-substantive changes without requiring any public comment period.¹¹
- **Step Six:** The agency may now immediately revise the form to incorporate the specific changes it identified through usability testing that were approved by OMB.

¹¹ OMB reserves the right to approve or disapprove any non-substantive change request made by agencies, or to require additional opportunities for public comment prior to approval, regardless of whether a usability testing plan was included as part of a collection that follows normal clearance procedures under the PRA.