NIH Policy Manual

1184 - Preparation and Clearance of Scientific, Technical, and Public Information Presented by NIH Employees or Produced for Distribution by NIH

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Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter provides guidelines for the review, approval, and clearance of professional scientific, technical information and products, destined for wide public distribution. This includes any product that carries the agency's trademark (i.e., name and logo) and extends to written, oral, printed, and electronic materials, including publications, digital files, and contractor-prepared materials. This revised manual chapter combines two previous NIH issuances, both addressing the preparation, production, and distribution of NIH information products and materials. A single, streamlined policy (a) reduces duplication; (b) reflects a constantly changing information landscape, and (c) reinforces the commitment of NIH staff and contractors to public trust and transparency. It also reflects changes in the agency's operational environment surrounding production and clearance of items targeted for broad public dissemination. At the same time, this policy reinforces established quality control measures already embedded in the scientific process and throughout NIH.

   A clear distinction must be made between the presentation of scientific data and the presentation of materials and information that may be construed as the position of the agency or as opinion. Such information must be considered differently from information presented in other settings, such as when scientists from universities or industry present data and information at professional forums. This chapter covers a wide range of information, including but not limited to broadcast videos, published interviews, and opinion pieces. It also applies to information on the NIH website and its component websites, including sites developed and maintained through contracts.
   Partial Revision: 3/30/2017*

***Partial Revision on 3/30/2017**: The NIH Office of Communications and Public Liaison (OCPL) issued revised guidance that further identifies requirements for employees at NIH, in particular the distinction between contractor and FTE identification in digital communications at the NIH.

1. **Filing Instructions:**

Remove: NIH Manual Chapter 1183, "NIH Publications and Audiovisuals: Preparation, Review, Approval and Distribution," dated 01/01/2009; and NIH Manual Chapter 1184, "Scientific, Technical, and Other Professional Information Presented by NIH Employees: Review, Approval, and Distribution," dated 03/10/2008
Insert: NIH Manual Chapter 1184, "Preparation and Clearance of Scientific, Technical, and Public Information Presented by NIH Employees or Produced for Distribution by NIH," dated 03/24/2016 - updated 3/30/2017

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Management Support, OMA on 301-496-4606, or enter this URL: https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx.

A. Purpose

The purpose of this chapter is to provide the official NIH guidance, policies, and procedures for the review, approval, clearance, and distribution of professional scientific, technical information and products, including written and electronic materials and information developed for oral presentation. (See *B below, Applicability*, for examples of products covered by this chapter.) It is designed to provide an orderly basis for review and clearance without hampering the free flow of information. It is also designed to help distinguish between Federal and non-Federal products and materials, especially in cases where information reflects the official position of the Federal government or the U.S. Department of Health and Human Services (HHS). The ultimate goal of this chapter is to ensure that any information developed by individual staff is of the highest quality.

1. The NIH must adhere to relevant laws, regulations, and policies concerning development and distribution of publications and audiovisuals. This chapter reflects Federal Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, the OMB Final Information Quality Bulletin for Peer Review, and HHS Guidelines for Ensuring the Quality of Information Disseminated to the Public [hereinafter, collectively, the Information Quality Guidelines]. Under these guidelines, agencies must (a) ensure and maximize information quality for information dissemination and (b) establish administrative mechanisms allowing affected persons to seek and obtain correction of official information. Affected persons may include anyone who may benefit from or be harmed by the disseminated information. This chapter provides guidance to ensure and maximize quality and effectiveness in NIH information materials and products. Information on the Information Quality Guidelines is available from the NIH Information Quality website.

B. Applicability

This chapter applies to the potential, required agency review, approval, clearance, and public release of any scientific, technical, or other professional information related to the official duties of NIH employees regardless of the medium used for dissemination, e.g., Web, print, audio or video broadcast, etc. Applicable materials include:

- Printed or electronic reports, lectures, books, reviews, chapters, and editorials;
- Informational products such as booklets, fact sheets, newsletters, pamphlets, bookmarks, web content, and health posters;
- Broadcast scripts and audiovisual media, including electronic, and digital projects, including files and content slated for YouTube, Facebook, Twitter, and other new or emerging communications outlets and portals;
- Prepared (i.e., not extemporaneous) speeches, oral presentations, interviews or commentaries for publication or broadcast; and
- Official letters-to-the-editor, commentaries, and other opinion pieces.
- Digital files and documents slated for publication on the NIH website and its components, including sites hosted by contracts, and through other media.

Materials are related to an employee's official duties if they:

a. Report on or describe work performed as an official duty;
b. Draw conclusions, advocate, or oppose professional practices or stances on subjects related to NIH activities, the agency's mission, or Federal laws;
c. Evaluate, summarize, or review your own work or that of another person that is related to your own or that person's official duty at NIH;
d. State or comment on Federal or agency policies or practices in such a way as to create the impression that such comments reflect or represent an official opinion of the Federal government.

C. Policy

The NIH encourages public dissemination of scientific research and other information on public health matters by its employees. Scholarly writing, lecturing, editing, and publishing are an essential part of research. These activities are in the public interest and bring credit and distinction to NIH. In assisting employees to share information about their official and professional activities, NIH seeks to advance scientific knowledge and contribute to professional education. Ordinarily, the first report of any scientific research results or other professional finding is made by:

- Publication in a scientific or professional journal; or
- Presentation at a meeting of a professional organization.

As part of the agency's Congressionally mandated public education activities, new health and medical findings often represent an imperative for NIH Institutes and Centers (ICs) to develop

and release informational products for wide public dissemination. Almost without exception these products and materials are linked to agency-sponsored research programs. Customarily, NIH may release 'breaking news' in an effort to disseminate publicly funded research findings, recognize the advance of science, and inform the public of developments that may impact the nation's health. An example of breaking news may include the results of a promising clinical trial with immediate public health implications. In such cases, there are applicable internal review processes devised to ensure that information destined for broad public dissemination summarizes the facts as NIH currently knows them to be, and that appropriate disclaimers are attached. (See *Section G, Disclaimers*)

There are many quality control measures embedded in the scientific process that ensure high quality information is produced and disseminated by NIH. The agency expects publications or presentations by its employees to be prepared in accordance with professional and ethical standards and generally accepted standards of good taste. Because individual ICs vary in structure, size, and mission, they have the flexibility to implement the quality and accountability requirements of Federal and NIH guidelines in the most appropriate manner for each organization, as long as they ensure appropriate review. In producing information, employees must meet high standards of quality, make a substantial contribution to a field, and provide sufficient information for the informed audience to assess its validity. Products and materials should be objective with sources referenced for the convenience and further edification of the reader. Wherever appropriate, supporting data shall have full, accurate, and transparent documentation.

Any non-extemporaneous presentation—written, oral, or in electronic format—developed by an NIH employee or contractor on a subject related to official NIH duties must be reviewed and approved through an established, internal NIH process prior to release. This review process must precede the author submitting material for publication consideration. Formal presentations on health policy or practice must also be cleared in advance. All of these procedures are designed to ensure the highest quality of information is made public. (See *Section E, Preparation* and*Section F, Review and Approval*.)

1. ***Public Access:*** As of April 7, 2008, NIH employees must comply with the NIH Public Access Policy. This applies to all peer-reviewed articles authored or co-authored as part of an employee's official NIH duties, even if corresponding authors are not supported by NIH. Complete instructions and background information can be found on the NIH Public Access website athttp://publicaccess.nih.gov.

2. **Plain Language:** A Government-wide directive requires Federal agencies to use plain language in all communications with the public. Plain language is writing that is geared to the target audience (i.e., a plain-language document for a scientific audience may be different from a plain language document for the general public). Requirements and guidelines for Federal implementation of plain language are available through the NIH's Plain Language resources.

D. Exemptions

A number of exemptions to the provisions outlined in this chapter include.

1. **Scholarly Works:** For scientific and technical documents, peer review provides a level of quality control that is internationally recognized by the scientific community. ICs should have in place—in writing—their own internal review procedures for scientific publications completed in the normal course of professional responsibilities, such as contributions submitted to peer-review professional scientific and medical journals. Statistical compendia and data, as well as documents that provide influential scientific, financial, or statistical information should be reviewed carefully. In general, employees who write or contribute to an original, scholarly abstract, article, report, textbook chapter, monograph, proceedings or statistical compendium, or who otherwise contribute to a technical and scientific publication must consult with their supervisor and appropriate internal leadership, including the IC ethics official, for applicable guidance, including guidance addressing approvals and limitations concerning titles and named NIH affiliations. (See *Section A.1.* for further guidance concerning Federal Information Quality Guidelines.)
2. **Speeches:** Routine presentations are not subject to clearance unless specified by the employee's IC and/or directed by their supervisor. Routine presentations include traditional scientific presentations; routine presentations developed for informational purposes; training materials and presentations; presentations describing grant application procedures and management procedures; and presentations publicizing priority areas for the purpose of soliciting grant applications. Presentations that discuss Federal policies or legislation or that may have policy or legislative implications require IC clearance. Additionally, employees should consult their supervisor and/or ethics officer for guidance on clearance of any speech or presentation which may imply agency endorsement. Individual ICs may implement their own written practices and procedures, or additional practices and procedures, for IC clearance of materials prior to dissemination. (See *5. Outside Activities*, below.)
3. **Press Inquiries:** Except when prohibited by Institute, Center, or Department policy, a NIH employee may respond to questions and requests for information from any source, including the news media. (Examples of prohibitions include discussions of pending legislation and acknowledgement of or comment on pending or unfunded grant applications.) Similarly, an employee may appear as a member of a discussion panel or seminar and on radio and television broadcasts without prior approval if the appearance does not require a manuscript or written text or statement and is in keeping with established NIH policies for responsible presentation of information. Speakers should limit their statements and responses to subjects within their field of expertise and should present only official HHS and NIH positions in discussion of policy matters. For news media interviews, responses or appearances, employees are encouraged to take advantage of advice and assistance with scheduling and coordination from their IC communications office. Such advice and assistance offers the additional benefits of helping to ensure that information and messages released to the public are clear and consistent and that other agencies with similar concerns may be informed as

appropriate. In addition, professional communicators at the NIH can advise scientists on speaking with a clear and consistent voice, incorporating plain language, and achieving additional goals. For additional guidance, contact the NIH Office of Communications and Public Liaison or equivalent office at your IC. Note that in many instances, as part of the establishment of internal practices, policies, and procedures, ICs may be provided with some discretion in the development of notification processes concerning the scheduling and completion of news interviews and appearances.

4. **Administrative materials:** Materials intended principally for use within HHS are exempt unless they:

    a. Include 500 or more copies intended for wide distribution beyond HHS;
    b. Will be distributed to Members of Congress, regardless of the number of copies produced; or
    c. Are suggested for sale by the Superintendent of Documents, U.S. Government Printing Office (GPO) or other Federal authorities.

5. **Outside Activities**: Not covered by this chapter are works by employees engaged in writing, presenting, or otherwise disseminating information in their personal capacities. Activities designated as outside activities must be carried out in the employee's personal capacity. Outside activities are governed, however, by the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635), by the HHS Supplemental Standards of Ethical Conduct (5 CFR 5501, 5502), and NIH policies and procedures. Employees writing, presenting or otherwise distributing materials as an outside activity may be asked to consult their agency ethics office for applicable rules and restrictions, including those requiring prior approval and limiting the use of their NIH title or affiliation.
6. **Intranet-based Materials:** Materials intended principally for use within the NIH through the agency's Intranet are exempt.

E. Preparation

In preparing a document or presentation for publication, an employee should give particular attention to the following:

1. **Propriety, Accuracy, and Quality:** All products and materials must be of high quality (i.e., be produced with objectivity, utility, and integrity) and accurate, both in specific details and in general. They should demonstrate the highest professional and ethical standards, as well as generally accepted standards of good taste. General principles governing the conduct of good science, including data management, publication practices, and authorship can be found in "Guidelines for the Conduct of Research in the Intramural Research Programs at NIH."
2. **Sufficient Detail for Reproducibility:** The NIH supports and encourages the timely release and public sharing of final data from NIH-supported studies for use by other researchers and others whenever feasible. When appropriate, supporting data should have full, accurate, transparent documentation. Investigators should retain research data long enough to allow others to repeat and analyze the studies. At a minimum, data must

be retained consistent with applicable record retention requirements. Publication of the data and methods in peer-reviewed journals or making data available through data archives are two accepted mechanisms for making results available. Refer to NIH Manual 1743 "Keeping and Destroying Records" for further guidance.

3. **Disclaimers:** Normally, the need for a disclaimer in relation to official materials, presentations, or publications is eliminated through the clearance process. However, a disclaimer may still be needed even after official clearance to make clear that the presentation should not be construed as necessarily representing the official viewpoint and opinion of NIH. Where appropriate, potential error sources affecting the quality of the data should be identified and disclosed. (See *Section G, Disclaimers.)*
4. **NIH Logo and Trademark:** Any use of HHS, NIH, IC or other subdivisions names, logos, marks, etc., must be consistent with the provisions of NIH Manual 1186, "Use of NIH Names and Logos," which outlines NIH policy and procedures for the review and approval of materials that bear the agency mark (i.e., logos and/or agency names, as well as the logos of any of programs).
5. **Photos, Images, and Graphics:** In developing and distributing health, medical, and scientific information, NIH must protect the rights of individuals and organizations who hold rights to original visual and audio material. NIH staff and contractors are responsible for fully researching the origins of such materials and, if they intend to use them, obtaining permission or a license with a scope that is broad enough to cover any anticipated use. Creating new graphics and images may ultimately represent a more expeditious and prudent path. Unless NIH explicitly owns an image or audiovisual file, agency rights may be limited. In addition, organizations or institutions granting permission to use their images or electronic files may do so for an express and limited purpose. For additional guidance, contact your IC communications office or the NIH Office of Communications and Public Liaison. Comprehensive guidance concerning photos, graphics, video clips, and audio files on the web, in publications, training materials or other public resources is available on the NIH Intranet. (See also *Section I.3. Copyrights and Electronic Access.)*

F. Review and Approval

In general, any presentation of information by an NIH employee on a work-related subject, whether in print, oral, or electronic format, must be prepared according to accepted NIH standards; reviewed for substantive content; and administratively approved. This process both protects the public and the employee. The goal of review is to ensure that NIH releases the highest-quality information and to ensure the accuracy, validity, and appropriateness of materials and products for each intended audience. All materials disseminated by NIH must be reviewed for accuracy, propriety, completeness, objectivity, utility, and integrity. The nature and extent of review may depend on the nature of the information and the intended audience.

In general, and unless otherwise directed, employees should follow the review, approval, and distribution guidelines set out by their agencies and supervisors in order to ensure compliance. Supervisory approval shall include a review for appropriateness and accuracy content and the inclusion of appropriate disclaimers. Information is also required to be consistent with the

framework of applicable guidance as outlined on the NIH Information Quality website. (See *Section A.1.* for further guidance concerning Federal Information Quality Guidelines.)

1. ***IC Staff:*** Products and materials related to official duty and prepared at the IC level by IC staff must be approved by the Director (or designee) of the employee's IC or as otherwise instructed.
2. ***Associate Director:*** Products and materials related to official duty and prepared at the Associate Director level must be cleared by the IC Director or his or her designee (e.g., Scientific Director or Laboratory or Branch Chief) or as otherwise instructed.
3. ***Below the Associate Director:*** Products and materials related to official duty and prepared below the Associate Director level must be approved by the IC Director or designee (e.g., Scientific Director or Laboratory or Branch Chief) or as otherwise instructed.
4. ***Joint Authorship:*** In the case of joint authorship, each author must receive approval from his or her respective IC Director or designee, unless IC internal policies direct otherwise.
5. ***NIH Office of the Director:*** IC-produced materials requiring clearance from the Office of the Director, NIH, must be approved by a designated officer and by the author's supervisor prior to submission to the Office of the Director, NIH or as otherwise instructed. Offices in the Office of the Director should establish clearance procedures in writing and adhere to the same principles of opinion, policy issues, legal issues, or conflict of interest concerns as within agency ICs. For materials that would raise concern about any of these issues, including items that are currently controversial in the press (i.e., in the news or covered by a media outlet), seek advice and assistance from your IC communications office or the NIH Office of Communications and Public Liaison. Such support has the additional benefit of helping to ensure that information and messages released to the public are clear and consistent and that other agencies with similar concerns may be kept informed as appropriate. This is especially important in instances where materials surrounding the outbreak of an infectious disease, for example, may require the involvement of a multiple agencies and officials, including clinicians, basic scientists, epidemiologists, environmental experts, Executive Branch agencies and officials, world health and other non-governmental organizations, local governments, nonprofit organizations, Congressional officials, and others, working under extreme time constraints.
6. ***Multiple ICs:*** Materials produced within the NIH Office of the Director or within Institutes and Centers on behalf of one or more ICs shall be cleared by the directors or designees of all ICs being represented. In addition, when the subject matter of a presentation overlaps with the program of another NIH component, another Federal agency, or any non-Federal agency or private individual, the concurrence of such component, agency, or individual must be obtained by the originating office before the proposed information product or material is finalized and prepared for final production and dissemination.
7. ***Role of IC Directors (or Delegates):*** IC information products covered by this chapter must be cleared prior to production and dissemination. IC Directors are responsible for:

a. Establishing and maintaining controls to ensure competent and timely clearance of materials covered;
b. Establishing procedures appropriate for each type of information;
c. Ensuring that senior staff are knowledgeable about their IC's internal clearance procedures and policies as well as those of the NIH; and
d. Maintaining files of requests for approval and actions taken.

Unless otherwise directed, individual IC Directors may determine how best to meet these requirements. (See the NIH Manual Chapter 1743, "Keeping and Destroying Records.")

8. ***Miscellaneous Approvals:*** Materials and products developed that overlap with the missions and programs of additional agencies require additional clearance, as do some instances where materials and products are subject to revision because of required updates, revisions, and substantial changes, as determined in review. Existing materials should be re-cleared if they have changed substantially. Additionally, approvals and clearance may be required for reprints and new editions and/or revisions of existing publications or audiovisuals. (See *Section J, Production,* and *Section F.14, HHS Clearance,* for further guidance.)
9. ***Intramural Products and Materials:***

    a. Under established internal procedures, materials produced by Intramural scientists are generally reviewed and approved by Lab/Branch Chiefs and/or Scientific Directors;
    b. The Intramural approval process helps to assure that applicable animal, human subjects, or technology transfer issues have been considered, that major press and policy implications are noted, and that supervisory scientific staff find the work to be of merit; and
    c. In the case of materials having broad public or policy implications, the lab chief or scientific director will inform IC communications and policy offices respectively and if appropriate, additional IC leadership. (See Intramural Research Sourcebook and *12, Policy Materials,* below.)

10. ***Fellows and Students:*** NIH fellows and students must follow publication review rules set by NIH and his or her IC. Ordinarily publications related to work done at NIH and with NIH resources are in the public domain. Fellows and students may not personally profit from any publication associated with his or her official duties at NIH and shall work in close consultation with their supervisor and ethics official to ensure that all relevant Federal guidelines and policies concerning their work are met.
11. ***Extramural Program Staff:*** Written presentations by extramural scientists or scientific planning staff within IC offices of the director will be reviewed and approved according to applicable policies established by their IC, as well as any applicable policies issued by the Office of Extramural Research. (See *Section H, NIH Staff (Co-) Authorship of Publications from NIH Extramural Awards*.)

12. ***Policy Materials:*** Information prepared for dissemination by an employee that includes any discussion of Federal policy, has policy implications, may diverge from or otherwise discuss Federal laws and statutes, including pending legislation, or makes public health practice recommendations must be cleared by the NIH Office of the Director as instructed by the NIH Office of Communications and Public Liaison (OCPL).
13. ***Appeals:*** An employee whose presentation or material has been disapproved may ask for a review of the decision. The Deputy Director for Extramural Research, NIH, reviews requests by Extramural staff. The Deputy Director for Intramural Research, NIH, reviews requests by Intramural staff. The Director, NIH, has responsibility for reviewing all other publication or presentations under appeal.
14. ***HHS Clearance:*** In 2014, the HHS Office of the Assistant Secretary for Public Affairs (ASPA) introduced the Strategic Communications Planning (SCP) platform, a Web-based application for the planning and review of HHS communications products. It replaces the ASPA clearance process that required HHS forms 615 and 524A. The SCP approach is intended to help ensure communication products 1) align with Executive Branch priorities; 2) have well-defined target audience(s); and 3) have clear goals and measurable outcomes. It allows for sharing and comparing strategies and outcomes, facilitating collaboration among agencies/offices; expediting review; and tracking progress. NIH staff and contractors should know that certain newsworthy, controversial, and high-priority informational products, news items, and education and awareness materials have been designated as subject to HHS review utilizing the SCP platform. Controversies can emerge from the release of informational materials that may be construed as (a) diverging from existing, applicable Federal laws, policies, and programs; (b) being linked to broad Executive Branch programmatic goals and initiatives; or (c) potentially representing duplication of effort. HHS has responsibility for reviewing, approving, and clearing such materials. ICs should begin the clearance process for materials and products that may be subject to SCP review by following existing NIH communications clearance procedures. For Office of the Director offices, materials and products should be cleared through the NIH Office of Communications and Public Liaison, 1 Center Drive, Room 344, Bethesda, Maryland, 20892-0188, 301-496-4461.
15. ***Serial Publications:*** Serial publications, such as recurring newsletters, magazines, and bulletins, may be subject to 44 USC 1108, which prescribes the policies and procedures for funding Government periodicals. The U.S. Office of Management and Budget maintains responsibility for approving the preparation and release of periodicals. New submissions should be cleared through existing IC clearance procedures or as otherwise directed. Approval by the NIH Office of Communications and Public Liaison may not be required for established periodicals, but ICs are encouraged to ensure that each issue fulfills the objectives originally set for the periodical and confirms to the standards set for in this chapter.
16. ***Substantially Changed Materials:*** Revisions to existing products and materials may *not* require HHS review through the SCP unless significantly changed, as determined through review. ICs should begin the clearance process utilizing existing communications clearance procedures. For additional guidance, contact the NIH Office

of Communications and Public Liaison.

17. ***Contracts Exceeding $5,000:*** HHS has responsibility for clearing contracted information programs exceeding $5,000. ICs should begin the clearance process using existing NIH communications procedures.

G. Employee Responsibility and Identification ('Disclaimers')

NIH employees are responsible for the statements they make, regardless of whether they have been cleared. Disclaimers should be used to distinguish the status of information, i.e., whether it is based on preliminary data or a partial data set. Employees who present material that requires clearance—material that has *not* been cleared prior to presentation—must also inform the audience that the material represents the individual's views, opinions, and perspectives. An example of a disclaimer follows:

> *This material should not be interpreted as representing the viewpoint of the U.S. Department of Health and Human Services, the National Institutes of Health, or the [Institute, Center, Office name].*

H. NIH Staff (Co-) Authorship of Publications from NIH Extramural Awards

Publications produced under NIH grants, while not covered by this chapter, are subject to requirements as set forth in the NIH Grants Policy Statement. Responsibilities of program officials and project officers include providing suggestions and critiques to awardee investigators and other staff. For example, staff may develop or negotiate acceptable project direction or budgets; monitor extramural awards; and comment on research design and manuscript development. To merit approval for (co-)authorships on publications from extramural awards, including grants, contracts, and other award mechanisms, NIH staff must have played a substantial role, such as contributing intellectually to the concept, design, conduct and/or analysis of the results of the research.

The conditions allowing NIH staff to be (co-)authors of publications under NIH extramural awards ordinarily arise only from contracts and cooperative agreements, where, by definition, there is substantial programmatic, i.e., scientific-technical, staff involvement. Deviations from these provisions must be approved by IC directors and only when justified under special circumstances. NIH staff should work with supervisors when seeking approval of activities as official duties. Review and clearance according to applicable IC procedures is required. (See Section D, Exemptions.)

I. Online Materials and Products

1. **Clearance:** Approved and cleared files do not require additional approval unless established by ICs as part of their internal clearance procedures and policies, or unless they have substantial changed, as determined through review. The goal of clearance is to ensure that any online materials and content adhere to all applicable requirements concerning release of government information to the public, which NIH staff,

stakeholders, members of the wider public, and patients and minors,. When multiple ICs are involved, the primary IC responsible for producing the content shall be responsible for meeting clearance requirements.

2. **Section 508:** Section 508 of the Rehabilitation Act requires federal agencies to use accessible information and communication technology (ICT), whether procured, developed, or maintained. A 1998 amendment requires that all Web content be equally accessible to people with disabilities. This includes Web applications, Web pages, and all attached files. Section 508 applies to intranet as well as public-facing Web pages and extends to all HHS websites, internal or external, owned, managed or funded by Operating and Staff Divisions, whether developed by staff or acquired through contracts, cooperative agreements, grants and/or formally established partnerships with other government entities and/or the private sector. To the extent possible, documents targeted for online availability should be compliant with Section 508 standards that ensure accessibility to people with disabilities. The DigitalGov.gov website provides accessibility guidance through a collection of links and resources.
3. **Copyrights and Electronic Access:** Materials and products authored by government employees as part of official duties are not subject to copyright in the United States. The author's version of a manuscript submitted to a journal or publication may be scanned and posted on an IC website. In general, however, NIH respects the embargo period (up to 12 months) observed by Pub Med Central for posting a journal's final published manuscript. To the extent possible, the scanned document should be compliant with Section 508 standards that ensure accessibility to Federal resources for people with disabilities.
4. **Computer Security:** Existing Federal policies developed in concert with computer security laws provide appropriate safeguards to ensure the integrity of NIH documents and that information developed by employees and contractors is protected from unauthorized access, revision, corruption, and falsification.

J. Production

NIH products and materials should meet the requirements of this chapter and be presented as a product of NIH and/or at least one of its component Institutes, Centers, Offices, Divisions, or programs. In developing products and materials, ICs are encouraged to take full advantage of streamlined contracting resources for the procurement of communications services and the promotion of efficiency. One such resource is the NIH-wide Public Information and Communication Services (PICs) contract, a master contract that provides a coordinated approach to securing public information and communication services across the agency. This mechanism allows ICs to access and maintain high quality performance in the areas of media, communication, and information dissemination and technology, especially where this expertise may not exist in-house.

1. **Credits and Acknowledgements:** Personal acknowledgements and credits used in agency communications efforts may be included to promote transparency, build public trust, and recognize unusual contributions but should be limited to the person's name and a brief description of the contribution. Collective credit to all persons connected with a project of the staff of any unit or group should be avoided. Staff and contractors

should also avoid giving the impression that individual is either being publicized or publicizing their own efforts, or are otherwise engaged in garnering thanks for performing assigned duties. There should be no mention or acknowledgement for normal, routine contributions; credit is reserved for work that is completed under extenuating and/or extraordinary circumstances. In addition, credit for work accomplished by a staff person should not extend to administrative or supervisory personnel except when a resource may illustrate organizational relationships. Credit for preparation of materials and products shall be limited to instances where:

a. An individual is responsible for shaping all or part of the publication, such as an experienced, knowledgeable editor;
b. An individual is an original author and clarification is required to properly identify and assign authorship;
c. An individual is responsible for study or survey design, statistical analysis or compilation; or in cases where it is useful to clarify that a particular design or treatment has been used; or
d. The addition and inclusion of an individual's name promotes acceptance or attention and adds validity and authority to the contents of the product or material.

2. **Contractors:** Contracts resulting in copyrightable materials should provide that the Government has at least unlimited rights in any materials developed or purchased. Materials developed or purchased under contract should also be identified so that it is clear to the public how each may be used. In addition, they should be distributed (i.e., mailed) separately from other materials produced by or identified with the contractor. Contractors (including subcontractors, consultants, or freelancers) should be identified as such to avoid creating the impression that they are Government employees.

    a. **Preparation of Solicitations**. The NIH contract handbook and templates used to prepare agency solicitations and contracts, incorporate a communications materials and services clause. This clause, Article H.48, "Communications Materials and Services," applies to contractor-prepared websites, printed products, campaign materials, and other products bearing Federal marks, trademarks, and logos.
    b. **Contractor Identification**. To promote public trust and transparency, websites and other materials listing staff should identify Federal employees from contractors to clearly distinguish between the two designations. This policy follows other existing NIH policies governing NIH e-mail, where individuals must identify themselves as employees or contractors on all outgoing e-mail messages; set up an e-mail signature ("AutoSignature") or an electronic business card ("V-card") on the user's computer system and/or personal digital assistant (PDA); and automatically display "Contractor" in the signature area of all e-mails sent by the user.

3. **NIH Mark:** Official NIH products and materials intended for distribution and dissemination outside of HHS must clearly identify the originating organization as a

component of NIH and HHS. Additional information may include the sponsoring office or program with contact information to be used by the public. Items bearing the NIH mark should be free of advertising and in compliance with NIH Manual 1186, "Use of NIH Names and Logos."

4. **Revised Materials:** To promote transparency and aid in bibliographic cataloging and identification of reprints and revisions, sponsoring ICs should provide the date of the original edition with the dates of any revised, reprinted editions on the cover, title page, or in some other prominent place. In preparing products and materials for final production and ultimate dissemination, ICs should follow existing NIH communications clearance procedures as outlined by their IC or as otherwise instructed by the NIH Office of Communications and Public Liaison (OCPL).
5. **Relevant Regulations:** In preparing draft materials for production, ICs are encouraged to refer to—and take full advantage of—the full complement of Federal printing and production resources, including as the GPO style manual, the Congressional Joint Committee on Printing (JCP) guidelines, and NIH Manual 6308, "Acquisition of Printing Requirements at the NIH."

K. Non-Discrimination

Employment-related publications and materials, such as those designed for the agency's recruitment efforts, are subject to applicable public laws enacted by Congress. They must include a statement indicating that the component or program does not discriminate on the basis of race, color, national origin, disability, age and, in certain circumstances, sex and religion. The statement should appear prominently. In addition, Executive Order 11141 prohibits discrimination on the basis of age by contractors and subcontractors in the performance of Federal contracts, andExecutive Order 11246 states that no Federally funded contractor may discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Therefore, programs covered in the publication must be operated in compliance with these laws and Executive Orders.

L. Records Retention and Disposal

All records pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743,"Keeping and Destroying Records," Appendix 1, "NIH Records Control Schedules"(as amended). These records must be maintained in accordance with current NIH Records Management and Federal guidelines. Contact your IC Records Liaison or the NIH Records Officer for additional information.

M. Internal Controls

The purpose of this manual chapter is to ensure that information disseminated to the public by the NIH is of maximum quality, objectivity, utility, and integrity. This is achieved through review and approved through an internal NIH process outlined in this chapter. (See *Section G, Disclaimers*.)

1. **Office Responsible for Reviewing Management Controls Relative to this Chapter:** The NIH Office of Communications and Public Liaison (OCPL) is accountable for the method used to ensure that management controls are implemented and working.

2. **Frequency of Reviews:** Ongoing

3. **Method of Review:** On an ongoing basis, the NIH Office of Communications and Public Liaison (OCPL) evaluates input concerning this policy from users based on email, telephone calls, meetings and memoranda, and makes appropriate changes as needed. Formal review of this policy is conducted annually by the Associate Director for Communications and Public Liaison and the Deputy Associate Director for Communications and Public Liaison.

4. **Review of Reports:** are sent to Deputy Director for Management (DDM), Deputy Director for Extramural Research (DDER), and Deputy Director for Intramural Research (DDIR) upon request. Reports should indicate that controls are in place and working well or indicate any internal management control issues that should be brought to the attention of the report recipient(s).

N. References

1. Federal Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies:https://www.whitehouse.gov/omb/fedreg_final_information_quality_guidelines/.

2. OMB Final Information Quality Bulletin for Peer Review: http://www.gpo.gov/fdsys/granule/FR-2005-01-14/05-769.

3. HHS Guidelines for Ensuring the Quality of Information Disseminated to the Public: http://aspe.hhs.gov/infoquality/Guidelines/NIHinfo2.shtml.

4. NIH Information Quality website: http://osp.od.nih.gov/office-science-management-and-reporting/scientific-reporting/nih-information-quality.

5. NIH Public Access website: https://publicaccess.nih.gov and Public Access Policy: https://publicaccess.nih.gov/policy.htm.

6. Federal Plain Language resources: http://www.plainlanguage.gov/.

7. NIH's Plain Language resources: http://www.nih.gov/clearcommunication/plainlanguage/index.htm.

8. Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635): http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title05/5cfr2635_main_02.tpl.

9. HHS Supplemental Standards of Ethical Conduct (5 CFR 5501, 5502): https://ethics.od.nih.gov/lawreg/5-CFR-5501-Unofficial-Compilation.pdf.

10. Guidelines for the Conduct of Research in the Intramural Research Programs at NIH: https://oir.nih.gov/sites/default/files/uploads/sourcebook/documents/ethical_conduct/guidelines-conduct_research-6_11_07.pdf.

11. NIH Manual 1743, Keeping and Destroying Records.

12. NIH Intramural Research Program Sourcebook: https://oir.nih.gov/sourcebook.

13. NIH Manual 1186, Use of the NIH Names and Logos.

14. NIH Grants Policy Statement: http://grants.nih.gov/grants/policy/nihgps/index.htm.

15. Section 508 standards: http://www.section508.gov/.

16. Digital.gov Section 508 resources: http://www.digitalgov.gov/2015/06/05/using-section-508-guidance-to-improve-the-accessibility-of-government-services/.

17. NIH contract handbook and templates: https://oamp.od.nih.gov/DGS/DGS-workform-information/handbook-files.

18. GPO style manual: http://www.gpo.gov/fdsys/pkg/GPO-STYLEMANUAL-2008/content-detail.html.

19. Congressional Joint Committee on Printing (JCP) guidelines: http://www.gpo.gov/fdsys/pkg/GPO-CPUB-101spub9/html/GPO-CPUB-101spub9.htm.

20. NIH Manual 6308, Acquisition of Printing Requirements at the NIH.

21. Executive Order 11141: http://www.archives.gov/federal-register/codification/executive-order/11141.html.

22. Executive Order 11246: http://www.dol.gov/ofccp/regs/compliance/ca_11246.htm.