

Guidelines on the Provision of Information to the News Media

U.S. Department of Health & Human Services
Office of the Assistant Secretary for Public Affairs



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BACKGROUND

The Department of Health and Human Services (HHS) is the United States government's principal agency for protecting the health of all Americans and providing essential human services. HHS and its family of agencies manage more than 300 programs encompassing scientific research, public health services, food and drug safety, health care services, health insurance, and a host of child support and enrichment programs.

HHS is committed to a culture of openness with the media and public that values the free exchange of ideas, data, and information and doing so in a manner that is timely, responsive, and accurate. To honor this commitment, HHS expects its employees to abide by the following set of core communications principles:

- Be honest and accurate in all communications
- Honor publication embargoes
- Respond promptly to media requests and respect media deadlines
- Act promptly to correct the record or erroneous information, when appropriate
- Promote the free flow of scientific and technical information
- Promote plain writing of media documents and releases
- Create greatest transparency possible through distributing information timely and widely through internet, email, media wires, and other mechanisms
- Protect confidential, classified, and non-public information

PURPOSE AND SCOPE

This document provides guidance on the provision of information to news media. This is defined as information in any form provided to news and information media, especially information that has the potential to generate media attention, public interest, or inquiry.

Examples include, *but are not limited to*, interviews, press releases, media advisories, editorial boards, letters to the editor, opinion-editorial columns, audio or video news releases, B-roll (video footage provided free of charge to broadcast news organizations), and blogs and other Internet postings used to convey news or items of public interest. *Not* included under this definition are scientific and technical reports or articles and technical information in professional journals.

These guidelines are applicable to all Operating Divisions (OPDIV), Staff Divisions (STAFFDIV), Offices, and other programs (henceforth referred to as “agency”) within the Department of Health and Human Services, as well as all HHS employees, fellows, and other non-full-time employees employed by HHS. In the event of any conflict between this guidance and any other HHS policy, directive, or regulation, this guidance shall govern and supersede any previous issuance or directive.



RESPONSIBILITIES

Office of the Assistant Secretary for Public Affairs

The HHS Office of the Assistant Secretary for Public Affairs (ASPA) is the principal point of contact, at the national level, for news media and general public inquiries about the Department of Health and Human Services and its agencies.

ASPA is responsible for:

- Conducting and coordinating news media relations for the department
- Establishing news media, including online news media, relations policies and priorities
- Coordinating and reviewing the performance of all news media relations activities
- Coordinating these activities with HHS leadership, and OPDIVs and STAFFDIVs
- Clearing news media releases, activities, events, and materials
- Ensuring timely release and efficient dissemination of materials and information to news media
- Editing to ensure that public information products are written in plain language, consistent with Associated Press style, and in line with news media principles, practices, and expectations, while maintaining the integrity of the scientific or technical data and the meaning of programmatic content.

Directors of OPDIVs, STAFFDIVs, Offices and Programs

Operating Division (OPDIV), Staff Division (STAFFDIV), office and program directors have ultimate responsibility for the technical, scientific, and programmatic accuracy of all information that is related to their respective programs and released by HHS.

OPDIV, STAFFDIV, Office and Program Communications/Public Affairs/Media Relations Officers

These individuals must notify ASPA in a timely manner about activities or events that have the potential to generate media or public interest or inquiry.

All HHS Employees and Programs

All HHS employees and programs are required to coordinate, in a timely manner, with the appropriate agency media relations office prior to releasing information that has the potential to generate media or public interest.

GUIDELINES

General Guidelines

HHS seeks to provide the widest practical and appropriate dissemination of information concerning its activities, programs, and recommendations. News media and journalist requests, including



blogger requests, for public information concerning HHS activities and the results of HHS activities should be addressed promptly, factually, and as completely as possible, in accordance with applicable federal laws and regulations.

To ensure timely responses for requests for information, HHS will strive to ensure cooperation and coordination among the agency's scientific and public affairs communities. HHS agencies and offices will comply with directives, procedures, and guidance from ASPA at HHS.

In keeping with the desire for a culture of openness, HHS employees may, consistent with this policy, speak to members of the press about their work. However, HHS employees are not required to speak to the media.

HHS strives to ensure that the media are effectively served within needed deadlines. In order to make certain we provide the media the best possible service and information in a timely fashion, it is important that the relevant agency public affairs office be notified of all media calls/contacts that employees receive about their HHS work.

Reporters should be informed that the agency's public affairs office coordinates media requests to ensure they receive requested information within their deadline. The primary objective for routing reporter calls to the agency public affairs office is to ensure an effective, timely and coordinated agency and departmental response.

Additionally, depending on the context for the interview and the subject matter, the caller may be referred to another HHS agency that has primary expertise in that area. In some instances, the caller may need to be referred to another federal department or agency, if the matter lies within its jurisdiction. Finally, in certain circumstances, the department must decline to comment. These instances include, but are not limited to, pending legal matters; pending requests from Congress, states, or other organizations; procurement-sensitive information; and issues not under HHS jurisdiction.

HHS will release information consistent with the department's Open Government principles and with the Freedom of Information Act (FOIA) provisions. This policy does not override disclosure exemptions under the FOIA. Examples of information not releasable under this policy include, without limitation, information that is, or is marked as, classified information, procurement-sensitive information, information subject to the Privacy Act, information that would violate patient confidentiality, and other controlled unclassified information.

Unless approved by ASPA, communications that include promotion of HHS-funded activities and events will not be conducted by non-HHS outside entities such as public relations agencies. Such activities and events will be reviewed by ASPA on a case-by-case basis.

Procedures Regarding Provision of Information to the News Media

General. Major news media-related activities and efforts shall be coordinated with involved agencies, offices, or programs including review by the appropriate policy, subject matter and technical experts to ensure scientific, technical, and programmatic accuracy.



Coordination of press releases and media material. ASPA will coordinate the review and clearance of departmental press materials by appropriate officials, provide advance notification of the actual release, and be apprised of and seek clearance for, efforts by contractors and outside agencies that are designated to promote coverage for departmental events or topics.

Interviews. In response to media interview requests, an agency public affairs office should identify the most knowledgeable spokesperson(s) who can provide the requested information.

- In general, reporters, including bloggers, should have access to HHS employees they seek to interview. While speaking to the media is not a requirement, employees are encouraged to speak to reporters about their work whenever possible and appropriate.
- When approached by a reporter, HHS employees should work with their immediate supervisor and coordinate with the appropriate public affairs office/personnel in their agency.
- Agency public affairs officers should facilitate interviews and work to meet reporters' deadlines.
- Only HHS employees can speak to the media on behalf of his/her agency. Contractors, fellows (except Title 42 fellows), and other non-federal employees employed by HHS cannot speak on behalf of his/her agency. Exceptions to this practice may be considered on an individual basis.
- Meetings that are open to the public are, by definition, open to the media. HHS employees who are presenters at public events, such as conferences or meetings, are encouraged to accommodate requests from media present regarding their presentation while on site. Interviews or media questions that are beyond the scope of the study or specific work should be referred to their agency public affairs office for appropriate follow up.
- As a matter of routine, media interviews should be on the record and attributable to the person speaking to the media representative, unless an alternate attribution arrangement is mutually agreed upon in advance. HHS recognizes the following types of attribution:
 - ✓ **On the record:** All statements are directly quotable and attributable, by name and title, to the person making the statement.
 - ✓ **On Background:** All statements are directly quotable, but cannot be attributed by name or specific title to the person commenting.
 - ✓ **On Deep Background:** Anything that is said in the interview is usable but not in direct quotation and not for attribution. The reporter writes it on his or her own.
 - ✓ **Off the Record:** Information is for the reporter's use only and is not to be printed or made public in any way. The information also is not to be taken to another source in hopes of getting confirmation.



Embargoes. Often HHS issues can be technical, complex and difficult to translate into plain language so extra time can help reporters understand and write about them. The practice of providing embargoed news announcements and background materials, as well as access to subject matter experts, in advance of an announcement can assist the news media in understanding the substance and importance of the announcement, and provide sufficient time to read the information and get necessary clarifications from the agency prior to press time. Given the varied nature of agency missions, agencies may have varied approaches to managing embargoed information. In general, however, HHS agencies may provide embargoed materials when:

- the issue is not related to regulatory or enforcement issues and does not contain confidential, commercial information, and
- the information is being published in a journal or other publication that imposes an embargo; or
- the subject is complex or technical and early access to materials and subject matter experts will help reporters prepare their articles in a timely, accurate manner with the context needed to understand the material.

During an embargo period, reporters may share embargoed material provided by an agency with non-journalists or third parties to obtain quotes or opinions prior to an embargo lift provided that the reporter secures agreement from the third-party to uphold the embargo.

Letters to the Editor and Opinion-Editorial Columns. Letters to the editor and opinion-editorial (op-ed) columns, if designed to represent an official agency response or view, or if the author is writing as part of his/her official responsibilities, must be cleared through ASPA.

Editorial Boards. Participation by HHS representatives in media-sponsored editorial boards must be cleared and coordinated with ASPA.

Organized Media Events. All departmental-sponsored, organized media events require approval by ASPA. Participation by HHS representatives in organized media events sponsored by other government, private sector, or non-profit organizations must be cleared and coordinated with ASPA.

Journal Articles. Scientific, technical, and policy articles or commentaries written by HHS employees for publication in peer-reviewed journals or other scientific, technical or policy publications *are not* subject to review by ASPA. However, any press materials that are developed in conjunction with the publication of a journal article fall under the same provision guidelines as outlined above. In addition, agency public affairs offices should notify ASPA of any newsworthy journal articles that are planned for publication regardless of whether press materials are planned.



Procedures Regarding Release of Information to News Media by an Employee in a Personal Capacity

HHS employees who present personal or individual views must make clear that they are presenting their personal and/or individual views—not the views of HHS—and they should not be sourced as an HHS representative or make reference to their official title or position in the piece. This provision includes authorship of letters to the editors and opinion-editorial columns. In addition, such letters to the editors or opinion-editorial columns should not be provided on HHS letterhead.

Procedures Regarding the Use of Social Media

Social media includes online engagement platforms such as Facebook, Twitter, and YouTube. HHS agencies are encouraged to use these channels as ways of disseminating information to the news media. For general guidelines on social media, HHS employees should consult <https://www.hhs.gov/web/social-media/index.html>.