

NOTICE & COMMENT



A Blog from the Yale Journal on Regulation and the ABA Section of Administrative Law & Regulatory Practice

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NGOs' Increasing Use of the Data Quality Act, by Jim Tozzi

by [Guest Blogger](#) – Monday, Mar. 5, 2018



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The publication of a landmark [treatise](#) on the Data Quality Act (DQA, aka the Information Quality Act or IQA) is timely because there is a substantial increase in its use by [NGOs](#). Future litigants, whether [plaintiffs](#) or [defendants](#), now have an arsenal previously unavailable to them to use as a reference guide when they take an action under the DQA.

One [petitioner](#) states the following:

The IQA has not been frequently litigated, but some courts have hinted at the possibility that judicial intervention may be appropriate to compel agencies to comply with its requirements. If any administration is likely to convince the courts that judicial enforcement of basic information quality standards is necessary, it is this one.

Historically there has been bipartisan opposition by Executive Branch leadership to judicial review under the DQA; however, this need not be the [case](#). The courts may act to the contrary as a result of the aforementioned petition filed by the *Democracy Forward Foundation*. The petition (Request for Correction) filed by the foundation pursuant to the Data Quality Act is a potential gamechanger because it is filed by a NGO and is buttressed by the supportive decisions made in the DC Circuit (*Prime Time*) and the Seventh Circuit (*Zero Zone*).

In the past year there has been an increase in the number of [watchdog](#) organizations dedicated to the review of [statements](#) made by the Administration. The leadership of such organizations will soon come to the realization that many of the conventional APA challenges of the products produced by the rulemaking process are [irrelevant](#) to the documents of concern to them. Accordingly, increasingly greater attention is being given to the use of the DQA to address their concerns as well as those of other [NGOs](#) and [Members of Congress](#).

The Regulatory Policy Committee of the ABA's Administrative Law Section is sponsoring a program on the Data Quality Act on April 12, 2018. The meeting will take place from 12 noon to 1:30 PM at the ABA, 1050 Connecticut Avenue, N.W. Washington, DC 20036.

Jim Tozzi served as a regulatory official in five consecutive presidential administrations starting with Lyndon Johnson and ending with Ronald Reagan. He is presently the head of the [Center for Regulatory Effectiveness](#).

Cite As: Author Name, *Title*, 36 YALE J. ON REG.: NOTICE & COMMENT (date), URL.

This entry was tagged Data Quality Act.
