**https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government**

**What you need to know about doing design and research in the federal government**

The biggest difference about being a design or research practitioner in the federal government is that best practices from the private sector are no longer optional, but often required by law. Below are the most common areas you'll need to learn about.

[**Accessibility**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#accessibility)

The federal government is accountable for making all of its digital products conform with [Section 508](https://section508.gov/content/learn/laws-and-policies) of the Rehabilitation Act, which means everything we make (or buy) needs to be accessible to all users, regardless of their abilities or disabilities. This usually means making sure our products can be used with screen readers and alternate input devices, and that they’re logically easy to follow. Here are a few of the many available resources around accessibility practices:

* [18F’s Accessibility Guide](https://accessibility.18f.gov/)
* [Udacity Web Accessibility Training](https://www.udacity.com/course/web-accessibility--ud891) (free!)
* [A11yWeekly newsletter](http://a11yweekly.com/)

[**Regulations for research with members of the public**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#regulations-for-research-with-members-of-the-public)

The federal government goes to great lengths to ensure that government agencies and services aren’t creating barriers for people to access information, and that information is protected whenever it is solicited. The law that most impacts government designers’ day-to-day work is the [Paperwork Reduction Act of 1995](https://www.gpo.gov/fdsys/pkg/PLAW-104publ13/html/PLAW-104publ13.htm) (PRA). It's worth investing the time to get to know this law and its nuances enough to be able to confidently clear up any misconceptions you may encounter related to its implications on user research in government. In short:

The PRA is a law designed to “maximize the practical utility of and public benefit from information collected by or for the Federal Government,” specifically to:

1. Reduce burden on the public and prevent the Federal government from collecting redundant information or information that they don’t actually need to provide a service,
2. Make sure that the way the Federal government is collecting information to make policy is designed so that the resulting information can be used to produce meaningful, accurate statistics (think census), and,
3. Give the public a chance to weigh in on how the government is collecting information.

TL;DR PRA = The federal government can’t make you fill out bad forms all willy nilly, and you get to weigh in.

In other words, the PRA is actually **awesome**.

— [User Research Is Not Illegal, Uncle Sam](https://medium.com/@ErieMeyer/user-research-is-not-illegal-uncle-sam-51f2f92a280a), by Erie Meyer

*Read this blog post in its entirely for a plain-language explainer on some of the most common misconceptions around the PRA and conducting research in government. It's written by one of the founding members of the U.S. Digital Service*

The following are a few authoritative resources that provide evidence for and further explanation of the PRA exceptions and flexibilities that are relevant to the type of user research we do.

[**A.**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#a-18f-method-cards-show-regulations-specific-to-each-method)[**18F Method Cards Show Regulations Specific to Each Method**](https://methods.18f.gov/)

These cards describe many of the methods and tools our teams use to put human-centered design into practice. They were created to benefit our organization, our federal colleagues, and the public. These cards ensure our values are well documented throughout our organization, and they serve to help instruct future hires on how we work. Also, they are open to any and all organizations - and our federal partners - to help employ human-centered design on their own projects.

**We can definitively say that GSA and OMB attorneys reviewed these cards before we published them publicly.**

One method card in particular is the most directly applicable (but please review them all; they're great!) - [Stakeholder and user interviews](https://methods.18f.gov/#stakeholder-and-user-interviews). The government research guidance in the lower right hand corner of the card is one of the parts that received the most attention and vetting from legal counsels.

No PRA implications. The PRA explicitly exempts direct observation and non-standardized conversation, 5 CFR 1320.3(h)3.

[**B. Paperwork Reduction Act Definition of Information**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#b-paperwork-reduction-act-definition-of-information-5-cfr-13203h3)[**5 CFR 1320.3(h)3**](https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/memos/2014/appendix-data-search-tools-calculators.pdf)

This is the CFR citation from the Stakeholder and user interviews method card. The language in this section in and of itself, and out of context, is a little wonky, but it's basically a specific sub-definition of "information" as it's applied to PRA. Emphasis ours.

(h) Information means any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media. **“Information” does not generally include items in the following categories;** however, OMB may determine that any specific item constitutes “information”:

(3) **Facts or opinions** obtained through direct observation by an employee or agent of the sponsoring agency or **through nonstandardized oral communication** in connection with such direct observations;

This essentially says that non-standardized conversations (e.g. any sort of 1:1 interview, contextual inquiry or usability test based on a loose conversation guide) are exempt from the rules of PRA.

[**C. Office of Information and Regulatory Affairs (OIRA) Memo**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#c-office-of-information-and-regulatory-affairs-oira-memo)

The language in [this OIRA memo](https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=39797.wba) is another example of a favorable interpretation of 5 CFR 1320.3(h)3. Please see the following in the last page of the memo:

Thus, when the sponsoring agency merely observes a user interacting with a digital services tool or product and at most engages in nonstandardized oral communications with the user, the facts or opinions the sponsoring agency obtains are not subject to the PRA.

[**D.**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#d-m-17-06-policies-for-federal-agency-public-websites-and-digital-services)[**M-17-06**](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/m-17-06.pdf)**: “Policies for Federal Agency Public Websites and Digital Services”**

This was an update to the policies surrounding public websites and digital services for federal agencies that was issued in Nov 2016, which is worth a read in general.

[**E. Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#e-social-media-web-based-interactive-technologies-and-the-paperwork-reduction-act)

This was a [2010 memo](https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/inforeg/SocialMediaGuidance_04072010.pdf) that provides guidance on how PRA relates to social media. Much of the content of this memo has implications on our approach to recruiting user research participants.

In short, you are free to use a recruiting screener to recruit participants directly from your site, or from social media, but certain rules and restrictions apply. **PRA interpretations vary by agency, so be sure to make friends with DOI’s PRA officer**.

[**Getting informed consent**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#getting-informed-consent)

Designers are responsible for honoring people’s opinions and choices, only blocking actions that are obviously going to harm others. We make sure that anyone participating in our research is doing so of their own free will, and that they have enough information to make that decision responsibly. Here are some guides and templates to help you do the same:

* [18F Handbook: Getting informed consent](https://handbook.18f.gov/research-guidelines/#getting-informed-consent)
* [Sample participant agreement](https://methods.18f.gov/participant-agreement/) from the 18F Method Cards

[**Handling Personally Identifiable Information (PII)**](https://github.com/DOI-ONRR/nrrd/wiki/What-you-need-to-know-about-doing-design-and-research-in-the-federal-government#handling-personally-identifiable-information-pii)

Designers have an obligation to respect and protect privacy. People will not honestly participate in design processes, nor make use of products and services, they do not trust. Here are some guides and tools to help you manage PII responsibly in your design work:

* [18F Handbook: Managing Personally Identifiable Information (PII)](https://handbook.18f.gov/research-guidelines/#managing-personally-identifiable-information-pii)
* [What people think about before deciding to share personal information with the government](https://18f.gsa.gov/2016/03/10/what-people-think-about-before-sharing-personal-information/), an 18F research initiative
* [18F Method Cards: Privacy](https://methods.18f.gov/fundamentals/privacy/)