

# **U.S. Department of Labor Press Lock-ups Policy Statement and News Organization Agreement**

## **Overview**

This Policy Statement and News Organization Agreement (News Organization Agreement) identifies the policy and procedures that the U.S. Department of Labor (the Labor Department, Department or DOL) will use to determine which news organizations are authorized to participate in DOL lock-ups and the requirements applied to those selected to participate. It also provides the agreement form that news organizations and their participating representatives must sign to receive DOL press credentials.

DOL maintains two lock-up rooms to allow credentialed news organizations to prepare informed summaries and analysis of economic data for transmission to the general public as soon as embargo periods conclude. These are referred to as the Newsroom and the television lock-up. Advance copies of certain DOL news releases produced by the Bureau of Labor Statistics (BLS) and the Employment and Training Administration (ETA) are made available under lockup conditions with the explicit understanding that economic data are embargoed until 8:30 a.m. Eastern Time.

Generally, the Office of Management and Budget's (OMB) Statistical Policy Directives Nos. 3 and 4 govern access to pre-release information (50 Federal Register 38932 – Sept. 25, 1985, and 73 Federal Register 12622 – March 7, 2008). Directive No. 3 directly relates to Principal Federal Economic Indicators, such as BLS data that are released in DOL lock-ups. Directive No. 4 applies to the full range of statistical products disseminated by federal statistical agencies or units, but does not supersede the requirements of Directive No. 3 in connection with Principal Federal Economic Indicators. Directive No. 3 authorizes pre-release access to Principal Federal Economic Indicators to representatives of news organizations, under specified circumstances, but instructs agencies to establish necessary security arrangements and impose conditions on granting access to ensure no unauthorized dissemination or use.

## **Pre-Release Security of the Data**

The Department is responsible for establishing procedures and security arrangements to ensure that there is no premature release of information or data estimates. Protecting the integrity and confidentiality of the data through the conclusion of each embargo period is of paramount importance.

Participation in DOL lock-ups is an opportunity, not a right. Participants may not release information or data estimates prior to the scheduled release time or otherwise communicate with anyone outside of the room on any topic during a lock-up. Participants may ask DOL staff to place a telephone call to ask specific, data-related questions of DOL subject-matter experts.

The Department reserves the right to change lock-up policy; hold news organizations accountable for actions that lead or might contribute to an early release and/or cause disruption; and revoke for cause the credential of any news organization or its representative at any time in the interests of protecting data security, promoting a

productive environment and serving the public interest. When changes are necessary, every effort will be made to provide affected participants with reasonable notice.

The following guidelines and rules apply to both lock-up rooms, except where differences are noted. The Department first implemented the credentialing process in April 2012. The technical design took effect on September 5, 2012.

### **Credentialing of News Organizations**

The Labor Department's lock-up rooms provide limited space for journalists. Consistent with OMB's Statistical Policy Directives Nos. 3 and 4, the Department will credential news organizations that, by providing data analysis and commentary, best advance the purpose of pre-release access. Depending on the number of requests received, the Department might not be able to grant credentials in response to all requests.

Given the limited number of work stations/seats, and the Department's goal in advancing the purpose of pre-release access, the Department will credential news organizations that:

- are primarily journalistic enterprises; and
- prepare, publish, broadcast, and/or post on the Internet time-sensitive summaries and analysis of Department data, which are likely to contribute significantly to public understanding through the dissemination of original news, analysis and/or opinion.

In addition, the Department believes that the purpose of pre-release access is best served when the Department's credentialing decisions result in a group of credentialed news organizations which, when considered as an overall group (and not necessarily on an individual basis), distribute a variety of types of news/media products that reach a wide and diverse audience, including geographically, and general public versus specialized media.

The Department will not consider editorial or political viewpoints in making credentialing decisions.

Each credentialed news organization is entitled to one seat in the designated lock-up room. The Department will allocate additional work stations/seats on the basis of demonstrated need and availability, taking into account the Department's needs, the needs of other news organizations and the purpose of the lock-up.

The Department will review the allocation of work stations/seats in the Newsroom and television lock-up on a regular basis and additionally as circumstances warrant. The maximum number of individuals from a credentialed news organization admitted to any lock-up will be equivalent to the number of work stations/seats allocated.

Every organizational credential automatically will expire annually on the last business day of July. In advance of that date, all news organizations that wish to begin or continue participating in DOL lock-ups will be invited to demonstrate how their participation would further the objectives of the OMB directives, as noted above. Any organization's request to participate will be followed by a re-assessment by the Department for a determination about granting or renewing a credential. In submitting a request for a credential, a news organization may submit, for the Department's consideration, any information that the organization believes is relevant. In addition, the Department will take into account publicly available information.

Following the credentialing of a news organization, the organization's personnel who will participate in lock-ups will be issued identification badges by the Department based on receipt of a letter from the organization's bureau chief (subject to verification), along with presentation in person of valid government-issued or workplace-issued photo identification. Although a news organization may only send as many personnel as it has seats, the news organization may have as many alternate participants as are necessary.

Prior to an organization's participation in DOL lock-ups, the organization's D.C. bureau chief must sign the News Organization Agreement. That signature is binding on the organization as long as an organization participates, even in the event of bureau chief personnel changes. Every representative of the credentialed organization who will participate in lock-ups also is required to sign a copy of this News Organization Agreement. Furthermore, lock-up participants will be required to sign in upon entry to the DOL Newsroom or television lock-up. The sign-in sheet renews the participant's acknowledgement and acceptance of the terms and conditions outlined in this document as well as any official communications to credentialed news organizations by DOL via email or other correspondence, and/or through verbal instructions delivered on-site.

The credentials of an organization and/or individuals may be suspended or revoked at any time if there is a misrepresentation in requesting the credentials or an infraction of this agreement, or if there is insufficient evidence (from publicly available sources or submission from the media organization) that the credentialed organization is publishing, broadcasting and/or posting media products that support the purpose of pre-release access defined by Statistical Directives Nos. 3 and 4. Other circumstances that might warrant suspension or revocation of (a) credential(s) include requests by other federal agencies to restrict access while an investigation, or related activity, is being conducted, as well as other situations that cannot be anticipated. If requested, an organization is required to turn in DOL identification badges immediately. Failure to timely comply with this policy may be grounds for permanent cancellation of credentials.

### **Rules of Participation**

Most lock-ups are 30 minutes. Dual lock-ups – held when data reports from the Employment and Training Administration and the Bureau of Labor Statistics are released back-to-back—are one hour. Occasionally, when there are special circumstances the Department may obtain permission from OMB to begin a lock-up a half-hour early to extend the embargo period for one data report to a full hour.

News organizations' representatives are not permitted to leave the room during a lock-up, with the following exceptions: Arrangements are made for television lock-up participants to leave the sequestered environment at 8:28 a.m. Eastern Time, escorted by DOL personnel, to allow them to broadcast from designated outdoor posts at the scheduled release time, which is 8:30 a.m. Eastern Time. In the event of a medical or physical emergency, monitoring DOL personnel will adjust this rule, as necessary, to ensure human safety, taking precautions to protect embargoed data to the greatest extent possible. In no event, however, will pre-release access to data be provided outside the confines of the designated lock-up facilities.

Participants in each lock-up are prohibited from communicating in any manner with anyone outside of the room during the embargo period, unless expressly authorized by DOL personnel.

The DOL Lock-up Technical Design, which took effect on Sept. 5, 2012, outlines full terms regarding use of computer and telephone technology and related hardware, software, cabling and wiring. While some

details are summarized below, lock-up participants must comply with the more comprehensive document; noncompliance is subject to sanctions.

Newsroom participants have three options regarding use of computer hardware and software. They may use:

1. DOL-owned hardware loaded with a designated operating system and software, along with any requested software that DOL agrees can be accommodated within the server environment;
2. News organization-owned, standardized hardware manufactured and assembled by a well-known and generally trusted manufacturer, which is purchased directly from the manufacturer or an authorized reseller of the manufacturer and shipped directly from the manufacturer to DOL's facility – and loaded with requested software; or
3. DOL-owned hardware configured entirely with requested software that DOL agrees can be accommodated within the server environment.

Regardless of the option selected, Newsroom participants will not have physical access to the computer hardware, except for a monitor, keyboard, mouse and CD/DVD drive at the work station.

News organizations have the option of using either DOL-owned or proprietary telecommunication lines.

The Department uses a master wall switch to control connectivity of all equipment. Participants in the lock-ups may only load information onto lock-up facility equipment by downloading it via DOL-approved Wide Area Network connectivity. Lock-up materials, such as news releases and supplemental data, will be provided by DOL on a CD or DVD and will be accessible through a DOL-approved CD/DVD reader attached to the workstation.

News organizations are prohibited from bringing into the Newsroom and television lock-up – as well as installing and using – any type of equipment or device, including computers, smartwatches, cellular and other handheld electronics, cameras, calculators, and storage media, such as discs and flash/thumb drives. These items, along with outerwear, handbags and other bags, umbrellas, and other personal effects, are required to be placed in designated lockers within the Department's Frances Perkins Building prior to entering a lock-up facility. Power for all devices must be switched off before the devices are placed in the designated lockers. Lock-up participants may carry paper materials – and nothing else – into the lock-up facilities. Writing instruments will be supplied by the Department in the lock-up facilities. Regarding television reporters, the Department will attempt to make appropriate provisions for the weather.

The Department may deploy signal monitoring systems in its lock-up facilities that detect activity created by cellular phones, wireless access cards and Wi-Fi equipment. Such systems send real-time alerts and location information of detected activity to a DOL operator console. Should an alert occur during a lock-up, Department personnel will approach the identified work station(s) to investigate, which may result in an interruption to, delay in and/or prohibition against transmitting a news report. News organizations must cooperate.

In the Newsroom, only DOL personnel may operate the master wall switch, disabling connectivity of equipment the moment a lock-up begins and enabling connectivity at the scheduled release time. Prior to the start of the lock-up, OPA staff members will verify with OCIO representatives that no troubleshooting is ongoing in the lock-up server closet or the OCIO data center. News organizations participate with the understanding that unintended transmission delays are possible.

News organizations in the Newsroom are prohibited from tampering with or reconfiguring computer and telephone equipment provided by DOL, including altering cabling and wiring, at any time.

In the event of an unanticipated incident that might result in an early, late or incorrect release, the data-producing agencies are responsible for determining whether and how to cancel or continue a lock-up. In such events the Bureau of Labor Statistics (BLS) holds the decision-making authority. If circumstances do not permit a consultation with BLS, any decisions would be made by the Employment and Training Administration (ETA) representative.

If federal staff has reason to believe that a data breach has occurred, staff from the agency whose data has been breached should act to release the data through their agency's website as quickly as possible. Also, if there is a reason to believe a breach has occurred, connectivity to the outside world should be enabled as quickly as possible for all participants inside the lock-up room.

Television personnel who are escorted outside during the embargo period to prepare for broadcasting are required to perform any sound and other equipment checks prior to the start of the television lock-up. However, during the minutes they are outdoors at the end of the embargo period, they are permitted to speak a code word supplied by Department personnel on camera for the purpose of testing their microphones and connections.

Once escorted from the Television Lock-up, television personnel are prohibited from speaking or otherwise communicating with anyone including crew members, other than the above sound check exception, until a Department staff member gives the transmit signal at the scheduled release time. This rule applies to verbal and nonverbal communication, including gestures, cues, etc.

During the embargo period, once television personnel have exited the television lock-up, television crew members present on the outdoor patio may not leave the patio until after the transmit signal is given. Crew first arriving or passing through that area on their way into the Department's Frances Perkins Building to set up for interviews with Department officials, and other passers-by, will be detained by DOL Security until the embargo period has ended.

### **Disability Accommodations**

The Department of Labor is committed to ensuring that its programs and activities are readily accessible to and usable by individuals with disabilities. When a news organization submits a request to have its personnel credentialed for lock-up participation, it should identify any individuals who require a reasonable accommodation and the nature of the accommodation. If a need for accommodation arises at a later date, the participant should submit a request at least 48 hours in advance to Jermaine Pegues, 202-693-4663 or Suzanne Bohnert, 202-693-4665. (In their absence, please contact the Office of Public Affairs main number, 202-693-4676.)

## **Sanctions for Non-Compliance with Rules**

Participation in DOL lock-ups requires adherence to this policy document, via the terms of the News Organization Agreement, as well as oral instructions provided by Department personnel and any other official instructions provided in writing. Additionally, news organizations must cooperate promptly in the event that an incident occurs or a concern is raised. The Department may suspend or revoke the privilege of lock-up participation from any news organization and/or individual who violates any of these terms and conditions. Depending on the infraction, a single violation may be deemed grounds to permanently ban an organization and/or individual(s) from future lock-ups. Violations also may be referred to the appropriate authorities.

## **Government/Building Closures and Delays**

When Washington, D.C.-based federal government offices or the Labor Department's Frances Perkins Building is closed unexpectedly due to inclement weather or for another reason, a scheduled lock-up is canceled. This cancellation policy includes days when federal offices are directed to open late as well as those when employees are directed to report to work later than their normal start times. Every effort will be made to post data online, as usual, at the report's scheduled release time or as close to that time as possible. BLS data will be available at [www.bls.gov](http://www.bls.gov) and [www.dol.gov](http://www.dol.gov). ETA data will be available at [www.doleta.gov](http://www.doleta.gov) and [www.dol.gov](http://www.dol.gov). In the event of a federal shutdown due to a lapse in appropriations, neither a lockup nor Web posting should be expected.

## **Procedures Regarding Emergency Signals During a Lockup**

If an emergency alarm sounds in the Frances Perkins Building during a lock-up, all occupants of DOL lock-up rooms must follow the procedures described below. The order of priorities will be: (1) physical safety, (2) security of embargoed data and (3) business interests and equity.

### **Newsroom (N-1511) Occupants**

If there is an evacuation ordered due to a fire alarm or other reason, everyone will exit the room immediately as a supervised group, following authorized Department staff on lock-up duty to a designated alternate site at the Japanese American Memorial, which is located at the intersection of New Jersey and Louisiana Streets, NW. Prior to entering the Newsroom, news organizations' representatives will have been required to store personal belongings, including electronic devices, in lockers at a designated location within the building. Belongings will remain in the lockers until after the evacuation has concluded.

Upon exiting the lock-up room, no communication of any kind by news organizations' representatives will be permitted during the embargo period about the data or anything else except as necessary in relation to the emergency situation/evacuation procedures or as authorized by Department staff. Lock-up participants may not talk to one another, other people in the building or people outside. They may not take data reports, news releases or other documents out of the Newsroom or television lock-up.

At the alternate site, authorized Department staff will use the day's sign-in sheet to account for everyone's presence. It is critical for the safety of all lock-up participants and DOL staff as well as the security of the data that news organizations' representatives remain in the supervised group through the embargo period.

A Department staff member will inform the group when the embargo period has ended.

If a shelter-in-place emergency occurs during a lock-up, all media representatives must stay in the Newsroom for the duration of the shelter-in-place, up to and beyond the end of the embargo period, as necessary. If electricity and phone service are available and permissible, lock-ups will continue in as normal a manner as possible. However, alarm and/or intercom noise interference may be unavoidable.

Any unauthorized communication or action, including failure to follow Department staff's instructions, by any news organization representative during an emergency evacuation or shelter-in-place will constitute a violation of this policy, which may result in actions to include exclusion from that day's and/or future lock-ups.

Once DOL Security gives the "All Clear" signal, Department staff will escort lock-up participants back to the DOL Newsroom and/or television lock-up. If there is still an embargo in place, the lock-up will continue until the scheduled time. If the embargo has ended, news organizations' representatives will be permitted to collect their belongings and, in the case of the Newsroom, work at their stations up to 45 minutes, as needed.

### **Television Room (S-1026C) Occupants**

The above-stated rules also apply to Television Lock-up participants, with the following differences:

If there is an evacuation, participants will not be permitted to go to their stand-up reports area on the building's Constitution Avenue side until DOL Security communicates an "All Clear" signal. They will be escorted by DOL staff via the Frances Perkins Building's Constitution Avenue exit to an assembly site at John Marshall Park, which is located between the U.S. District Courthouse and the Canadian Embassy. It is important to reiterate the "no talking" rule.

When an evacuation alarm sounds, any television crews set upon the south lawn of the Frances Perkins Building will be required to move at least 300 feet away from DOL property. They may stand across the street at the southeast corner of 3<sup>rd</sup> Street and Constitution Avenue. Once there is an "All Clear" signal, they will be able to return to the lawn.

In the event of a shelter-in-place, DOL Security will issue either a "Posture I" or a "Posture II" instruction. Posture I is a directive for employees to remain where they are. Likewise, occupants in the Television Lock-up will remain where they are, and indoor lock-up activities may continue. Posture II is a directive to move to a designated location. If a Posture II instruction is given, media representatives will be escorted by DOL staff to a location where they will remain for the duration of the shelter-in-place. Once outside of the television lock-up room, media representatives may not talk to one another or other people with whom they may come into contact, except as absolutely necessary in relation to the emergency situation/shelter-in-place procedures or as authorized by Department staff, until after the embargo is over.

### **Notification to News/Control Rooms**

In the event of a building evacuation preventing reporters from transmitting stories from inside the Frances Perkins Building or a shelter-in-place preventing television reporters from exiting the building to provide on-camera reports, Department personnel will make their best effort (pending the circumstances of the emergency) to convey a timely message to participating news organizations' news/control rooms.

**Questions and Concerns**

Questions about this policy and DOL lock-ups, in general, should be addressed to the Labor Department’s Office of Public Affairs at 202-693-4676.

**Signature**

I have read, understand and agree to abide by the terms and conditions of this document. If I am signing for my news organization, I am authorized to accept and sign this agreement. *Please legibly sign your name, and print your name, title, telephone number and email address, along with the date, below. Please also initial each page of this document.*

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SIGNATURE

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