# Appendix C: Memorandum of Understanding Template

**EXTERNAL PEER REVIEW MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE OFFICES OF THE INSPECTORS GENERAL (OIGs) OF *[INSERT REVIEWING OIG]* AND *[INSERT REVIEWED ORGANIZATION]***

#### PURPOSE

The purpose of this MOU is to ensure a mutual understanding between ***[Insert name of Reviewing OIG]***, Reviewing OIG, and ***[Insert name of Reviewed OIG I&E Organization]***, Reviewed Organization, regarding the external peer review ***[Replace with modified, if applicable]*** of the Reviewed Organization to establish that such review is covered by the *Guide for Conducting Peer Reviews of Inspection and Evaluation Organizations of Federal Offices of Inspectors General* (the Guide) issued by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Inspection and Evaluation (I&E) Committee, and to establish other terms and conditions of the review.

#### AUTHORITY

The parties enter into this MOU pursuant to the authority of the Inspector General Act of 1978, 5

U.S.C. App.3, as amended.

#### SCOPE

The external ***[Replace with modified if applicable]*** peer review will include an assessment of the Reviewed Organization’s internal policies and procedures implementing the seven covered CIGIE *Quality Standards for Inspection and Evaluation* (Blue Book), January 2012. The seven covered Blue Book standards include Quality Control, Planning, Data Collection and Analysis, Evidence, Records Maintenance, Reporting, and Followup. The review will include a review of selected inspection and evaluation reports issued between ***[Insert Date]*** and ***[Insert Date]*** to assess the reports’ compliance with Blue Book standards and the Reviewed Organization’s internal policies and procedures.[delete the last sentence for a modified peer review.]

#### REVIEW APPROACH

The Guide will be used to conduct the review. As set forth in the Guide, the Reviewing OIG will:

* 1. exercise professional judgment in all matters relating to planning, performing, and reporting the results of the external peer review;
	2. assess the adequacy of the Reviewed Organization’s internal policies and procedures in relation to the Blue Book standards listed in the Scope section of this MOU;
	3. select the inspection and evaluation reports it believes are necessary to meet the review objectives; ***[Delete for a modified peer review]***
	4. review reports from field offices of the Reviewed Organization, if applicable, as well as at OIG Headquarters; ***[Delete for a modified peer review]***
	5. evaluate the selected reports’ compliance with Blue Book standards listed in the Scope section of this MOU and the Reviewed Organization’s associated internal policies and procedures; ***[Delete for a modified peer review]*** and
	6. discuss with the Reviewed Organization in advance, any appropriate changes to the checklist, scope, or methodology of the review.

In the event of a conflict between the Guide and this MOU, the MOU will control.

#### ROLES AND RESPONSIBILITIES

The Reviewed Organization agrees to:

* 1. designate an individual to facilitate administrative support and to provide the peer reviewers from the Reviewing OIG with the appropriate office space, desks, telephone service, and access to copying facilities;
	2. provide the Reviewing OIG access to and training on all required information technology systems, e.g., intranet or SharePoint sites or electronic work paper software needed to conduct the review;
	3. provide the Reviewing OIG access to all requested Reviewed Organization personnel;
	4. allow the Reviewing OIG access to all inspection and evaluation documents, operational manuals, and other files the Reviewing OIG deems necessary to conduct the external peer review;
	5. provide the Reviewing OIG with appropriate information and training regarding document security requirements at the start of the review;
	6. e-mail all requested non-sensitive data and files to a designated individual from the Reviewing OIG; and
	7. retain all storage media used to transfer authorized files to the Reviewing OIG’s equipment.

The Reviewing OIG agrees to:

1. assign staff to perform the peer review that are qualified and possess the collective knowledge, skills, abilities, and experience necessary to conduct an I&E peer review;
2. only obtain sensitive Reviewed Organization documents by means agreed on with the Reviewed Organization, e.g., delivery server, USB drive, or key fob;
3. not access the internet or VPN;
4. not print, save, or otherwise transfer any sensitive data to its own equipment unless explicitly authorized to do so by the Reviewed Organization;
5. assert that sensitive data, such as personally identifiable information is protected against unauthorized access or use;
6. not duplicate, re-type, etc., any sensitive information received from the Reviewed Organization onto the Reviewing OIG’s equipment;
7. assume responsibility for possession of any Reviewed Organization documents it receives and safeguard sensitive data, including, but not limited to, complying with all personally identifiable information breach reporting and incident handling per OMB M-17-12, as well as, Reviewed Organization breach notification procedures;
8. respond to requests for information or access to documents, including questions regarding the specific external peer review as specified in the Addendum of this MOU; and
9. report any instances of fraud, illegal acts, or abuse to the appropriate authorities as required by law or regulation and to the CIGIE I&E and Integrity Committee Chairs, if appropriate.

#### EXTERNAL PEER REVIEW MILESTONES

The Reviewed Organization represents that the following is the Reviewing OIG’s estimated timeline for its review:

|  |  |
| --- | --- |
| Milestone | Date to be Completed |
| Reviewing OIG and Reviewed Organization hold entrance meeting. |  |
| Reviewing OIG completes its review, and summarizes results (findings, conclusions, and recommendations). |  |
| Reviewing OIG and Reviewed Organization hold exit meeting. |  |
| Reviewing OIG provides draft Peer Review Report and Letter of Comment, if applicable, to Reviewed Organization. |  |
| Reviewed Organization provides Reviewing OIG with written comments on the draft Peer Review Report and Letter of Comment, when applicable. |  |
| Final Peer Review Report and Letter of Comment, when applicable, delivered to Reviewed Organization and to Chairs of CIGIE and the I&E Committee through its designated representatives at iepr@cigie.gov. |  |

#### DISPOSITION OF REVIEW DOCUMENTS

For purposes of this MOU, the term “document” or “documents” means all writings and recorded material in any form or medium including, but not limited to, records, writings, data, information, files, recordings, and communications, either provided to the Reviewing OIG by the Reviewed Organization or created by the Reviewing OIG during its review.

The Reviewing OIG will prepare appropriate documentation to support the work performed and the review results. The Reviewing OIG will maintain all supporting and original documents created

and used by the Reviewing OIG in accordance with its record retention procedures, or until after a subsequent peer review of the Reviewed Organization is performed, whichever comes later.

The Reviewed Organization must have access to the Reviewing OIG’s original supporting documents on request during the comment period and after the issuance of the final report.

If either OIG receives a request, such as Freedom of Information Act, other legal demands, or third - party requests, for documentation that was obtained from the other OIG during the peer review, the OIG receiving the request will not release or disseminate such documentation without first consulting with the other OIG, and obtaining, if possible, the other OIG’s release or dissemination recommendations. Depending on the nature of the request, the Reviewing OIG may need to refer the request for documentation to the Reviewed Organization for further processing. The Reviewing OIG and the Reviewed Organization agree that Freedom of Information Act, other legal demands, and third party requests for external peer review documents will be handled in accordance with the procedures set out in the Guide and the Addendum of this MOU.

##### Semiannual Reports to Congress

***[Insert name of Reviewed Organization]*** OIG and ***[Insert name of Reviewing OIG]*** OIG will report on this peer review in their respective semiannual reports to Congress under the Inspector General Act of 1978, as amended, 5 U.S.C. App.3, § 5(a)(14) to (16), and consistent with the CIGIE Implementing Guidance for OIG Reporting of Peer Review Results in Semiannual Reports to the Congress. Specifically, ***[Insert name of Reviewed Organization]*** OIG will report on the peer review conducted by ***[Insert name of Reviewing OIG]*** OIG for the applicable semiannual reporting periods, and provide a list of any outstanding recommendations from prior External or Modified Peer Review Reports that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete. ***[Insert name of Reviewing OIG]*** OIG will report on this peer review for the applicable semiannual reporting periods, and will include a list of any outstanding recommendations from prior External or Modified Peer Review Reports that remain outstanding or have not been fully implemented. In this regard, ***[Insert name of Reviewed Organization]*** OIG will coordinate with ***[Insert name of Reviewing OIG]*** OIG as necessary so that ***[Insert name of Reviewing OIG]*** OIG can meet this reporting responsibility. These requirements do not apply to outstanding recommendations from the any prior external or modified peer reviews’ letters of comment.

#### POINTS OF CONTACT

Reviewing OIG:

###### Primary POC: [Insert name, title, OIG, email address, and phone number]

Secondary POC: ***[Insert name, title, OIG, email address, and phone number]***

Reviewed Organization:

###### Primary POC: [Insert name, title, OIG, email address, and phone number]

Secondary POC: ***[Insert name, title, OIG, email address, and phone number]***

#### OIG OFFICIALS

The undersigned are in agreement with the conditions contained in this MOU.

Date

###### [Insert name, title, and OIG for responsible I&E official at Reviewing OIG]

###### Date [Insert name, title, and OIG, for responsible I&E official at Reviewed Organization]

### ADDENDUM

##### Additional Information Related to Disposition of Review Documentation

When requests or legal demands for peer review documents are received by the Reviewing OIG, the Reviewing OIG is responsible for coordinating and responding to the requester. The Reviewing OIG will consider the documents it received from the Reviewed Organization to be within the Reviewed Organization’s possession and control.

For requests or legal demands received by the Reviewed Organization for peer review documents, the Reviewed Organization will consider the documents it provided to the Reviewing OIG to still be within the Reviewed Organization’s possession and control. If, as part of its efforts to respond to such requests or legal demands, the Reviewed Organization needs access to any documents that it provided to the Reviewing OIG, the Reviewed Organization shall be given access, on its request, to the documents and may review and/or copy the documents (or, if agreed on by the parties, the Reviewing OIG will make copies of the documents and provide those copies to the Reviewed Organization).

For requests under the FOIA (5 U.S.C. 552), the Reviewing OIG will:

1. provide documents supplied by the Reviewed Organization to the Reviewed Organization for response directly to the requester; and
2. consult with the Reviewed Organization regarding the Reviewed Organization’s information contained in documents generated by the Reviewing OIG and obtain the Reviewed Organization’s disclosure recommendations and legal basis therefor relative to such information, provided that the Reviewing OIG (or, where applicable, the Reviewing OIG’s FOIA release authority) has final say as to the response to the FOIA requester.

In all cases, the Reviewed Organization and Reviewing OIG will comply with statutory provisions; regulations; if applicable, implementing guidance from the Reviewed Organization’s FOIA release authority; and applicable case law and authorities in determining the response to the FOIA request.

For discovery demands under the applicable rules of civil procedure or similar legal process and other legal authorities--to include subpoenas--for some or all of the peer review documents, the Reviewing OIG will advise the Reviewed Organization of the existence of such demands, and will advise the litigating parties or adjudicative body that some or all of the requested documents being sought belong to the Reviewed Organization. The Reviewed Organization will have the responsibility to:

1. advise the Reviewing OIG whether or under what circumstances to produce the documents being sought; or
2. intervene or otherwise communicate with the litigating parties or adjudicative body regarding the production of such documents or the obtaining of protective orders or equivalent, as permitted under applicable law.

For requests from oversight bodies, such as the Government Accountability Office or reviewing bodies empowered to examine peer reviewing entities, the Reviewing OIG will advise the Reviewed Organization of the existence of such request and will advise the oversight body that some or all of the requested documents belong to the Reviewed Organization. The Reviewed Organization will have the responsibility to:

1. advise the Reviewing OIG whether or under what circumstances to provide the requested documents; or
2. communicate with the oversight body regarding the requested documentation.