



The American-Arab Anti-Discrimination Committee

Comments to the

U.S. Department of Commerce

on the

Revision of the Confidentiality Pledge Under Title 13 United States Code, Section 9

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Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce,
14th and Constitution Avenue NW, Room 6616
Washington, DC 20230

Dear Ms. Jessup:

I am writing to you on behalf of the American-Arab Anti-Discrimination Committee (ADC), the country's largest Arab-American organization. ADC is a non-secular, non-profit grassroots organization. Founded in 1980 by U.S. Senator James Abourezk, ADC consists of members from all 50 states and has multiple chapters nationwide. ADC is committed to protecting civil rights, promoting mutual understanding, and preserving the Arab cultural heritage. ADC has protected the Arab-American community's civil rights for over thirty five against discrimination, racism, and stereotyping. ADC has standing commitment to access for all to a quality education as an affirmative right. ADC respectfully takes this opportunity to submit the following comments to the U.S. Department of Commerce on the Revision of the Confidentiality Pledge under Title 13 United States Code, Section 9, specifically on the definition, requirement and implementation of religious desegregation.

ADC strongly urges the Census Bureau under the U.S. Department of Commerce to reject the proposed rulemaking for changes to the confidentiality pledge. The confidentiality pledge as currently prescribed under Title 13 U.S.C. § 9 is vital to maintaining the public's confidence in the Census process. The proposed rulemaking provides, "The U.S. Census Bureau is required by law to protect your information. The Census Bureau is not permitted to publicly release your responses in a way that could identify you. Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data."

Foremost, the confidentiality pledged itself is problematic. The currently prescribed confidentiality pledge has served the Census Bureau well. ADC has serious concerns on the ability of the U.S. Department of Homeland Security (DHS) to have access and availability to view personal data information. DHS will have direct and increased access to people's personal information on the server. This raises flags on improper use of such information by a law enforcement agency with a record of surveillance, data monitoring and collection of the Arab American community.

During World War II, the Census Bureau shared information on the personal information including the residence of Japanese Americans and Japanese residents in the United States with government agencies. The use of Census data during World War II was the catalyst for the

inclusion of Title 13 privacy protections. This further demonstrates how important the confidentiality pledge is and why we must maintain it, in light of the political atmosphere and federal policy actions including but not limited to the Executive Order that effectively target Arab, Muslim, and immigrant communities.

Even more alarming is the impact of the removal of this confidentiality pledge on people and access to person's confidential information. The Bureau is misleading the public, painting a rosy picture, trying to spin that will actually protect the public from cybersecurity, but does exactly the opposite and at what risk. The removal of the confidentiality pledge is not an improvement. Cybersecurity risk screening does not mean DHS and other federal agencies should be able to use any data collected by the Census. Federal agencies, employees, and/or persons who have access to this confidential information may also inadvertently share this information. This compromises the security of confidential information because there is a lack of safeguards in place on who has access to information through EINSTEIN.

Data information provided to the Census Bureau must only be seen by Census statistical agency personnel or their sworn agents, and must be used only for statistical purposes. This Confidentiality Pledge is more valuable now than ever, namely in regards to the confidentiality pledge revision impact on Arab immigrant communities under the Current Population Survey (CPS) Basic Demographics, the American Community Survey (ACS), Census Tests, Census population supplements on housing, economic and social surveys, and potential inclusion of the Middle Eastern-North African (MENA) category in the 2020 Census. Particularly, the Arab American community has serious concerns on how information may be inadvertently used to track and map their location for non-census purposes. In response to this, many Arab Americans whom already lack confidence in the Census Bureau will be hesitant about submitting their information to the census. This will inevitably impact the accuracy and integrity of the Census Bureau, and its function, where the Census Bureau will not have an accurate and complete picture of the United States population demographics.

In conclusion, the American-Arab Anti-Discrimination Committee (ADC) provides the comments set forth above to ensure that privacy rights are respected, personal identifiable information is kept confidential, and the integrity of the census is upheld.