

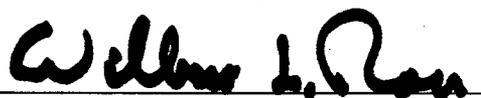
## Secretarial Determination

By virtue of the authority vested in me as the Secretary of Commerce, including the authority contained in 15 Code of Federal Regulations (C.F.R.) 27.101(c), I have determined that the Federal Policy for the Protection of Human Subjects, also known as the "the Common Rule," as set forth in U.S. Department of Commerce regulations at 15 C.F.R. Part 27, does not apply to the U.S. Census Bureau's Title 13 data collections since the statutorily mandated protection provided by Title 13 of the United States Code (U.S.C.), and other federal statutes and requirements applicable to Census Bureau data collections, meet or exceed the protections provided by the Common Rule. My determination is consistent with the ethical principles outlined in "The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research," The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (Apr. 18, 1979) (Belmont Report).

Specifically, Title 13 not only requires that the Census Bureau maintain the confidentiality of the information it collects, but it also mandates that the Census Bureau can only use the information it collects in support of its statistical programs, and information cannot be used to a respondent's detriment. *See* 13 U.S.C. §§ 8 and 9. Violation of these requirements could result in the imposition of a fine, jail time, or both. *See* 13 U.S.C. § 214. Census Bureau data collection activities are also subject to other federal statutes and mandates for privacy, data security, transparency, and accountability, including the Privacy Act, the E-Government Act of 2002, and the Paperwork Reduction Act, as well as federal standards and guidance promulgated by the Office of Management and Budget and the National Institute of Standards and Technology. To ensure compliance with Title 13 and other applicable laws, the Census Bureau has implemented strong data stewardship policies and procedures that must be observed by employees and individuals helping the Census Bureau do its work that access and use confidential information.

In addition to strictly complying with Title 13's use restrictions and confidentiality requirements, and its comprehensive data stewardship policies and procedures, the Census Bureau has also adopted its own set of privacy principles, which encompass both its responsibilities to protect information, and an acknowledgment of the rights of respondents. The Privacy Principles are Necessity, Openness, Respectful Treatment of Respondents, and Confidentiality. The promises embodied in these principles, together with the legal requirements imposed on the Census Bureau by Title 13, as well as other federal laws and policies applicable to data collections by the Census Bureau, sufficiently satisfy the Common Rule's requirements to protect human research subjects by ensuring consideration of the ethical principles of "Respect for Persons," "Beneficence," and "Justice," as set forth in the Belmont Report.

This determination only applies to those Census Bureau activities which are subject to the use restrictions and confidentiality requirements in 13 U.S.C. §§ 8 and 9.



Wilbur L. Ross  
Secretary of Commerce

3/5/19  
Date