

LEGAL AUTHORITIES, ETHICAL GUIDANCE, AND RELEVANT POLICIES AND PROCEDURES

Legal Authorities

- Title 13, U.S.C., Section 6. Provides the Census Bureau authority to acquire and use data in lieu of conducting direct inquiries of the general public.
- Title 13, U.S.C., Sections 8 and 9. Prohibits the publication or release of any data that would permit identification of any particular establishment, individual, or household.
- Title 13, U.S.C., Section 8(b). Authorizes the Census Bureau to collect data on behalf of other agencies on a reimbursable basis.
- Paperwork Reduction Act of 1995. Encourages agencies to reduce the public's information collection burden by reusing administrative data already available within the government.
- The Privacy Act of 1974. Requires all agencies to safeguard identifiable personal information and not disclose this identifiable data to third parties without the individual's consent—exceptions to the consent requirement are intended to accommodate legitimate needs for identifiable information like conducting research for statistical purposes; covers information about individuals, but not businesses or other entities. Additionally, it permits agencies—who are otherwise prohibited from disclosing records under the Privacy Act—to disclose records “to the Bureau of the Census for the purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13.”
- The E-Government Act of 2002, OMB Circular No. A-11, Form 300 and Section 208. Require Privacy Impact Assessments, or PIAs, for any information technology system or electronic data collection that contains PII. The purpose of the PIA is to ensure that no collection, storage, access, use, or dissemination of identifiable personal information occurs without proper proof of need and purpose, and to ensure that appropriate security measures and controls on data use are in place.
- Statistical Efficiency Act of 1999. Congress encouraged eight bureaus/offices—including the Census Bureau—to share data for statistical purposes in an effort to save money on direct collections.

Ethical Guidance

- The Federal Committee on Statistical Methodology, *Working Paper #5: Report on Exact and Statistical Matching Techniques*, 1980
- The National Academy of Sciences, *Private Lives and Public Policies*, 1993

- The Federal Committee on Statistical Methodology, *Record Linkage Techniques – 1985: Proceeding of the Workshop on Exact Matching Methodologies*, 1985
- Committee on National Statistics, *Principles and Practices for a Federal Statistical Agency*, 2017
- The General Accounting Office, *Record Linkage and Privacy: Issues in Creating New Federal Research and Statistical Information*, 2001

Relevant Census Bureau Policies and Procedures

- The Census Bureau’s *Strategic Plan* (FY18-22), Goal 1 Objectives 1.2 and 1.3, which provide direction for reducing respondent burden and collecting data once from respondents and using it for multiple data products.
- *Safeguarding and Managing Information* (DS007). This policy outlines our process for controlling access to identifiable economic and demographic data throughout the survey lifecycle.
- *Unauthorized Browsing* (DS018). This policy prohibits staff, without a business-need-to-know, from accessing identifiable economic and demographic data.
- *Negotiating Collaborative Arrangements with Agencies for the Acquisition of Administrative Record Data to Support Title 13 Projects* (DS012). This policy provides guidance to staff on the proper justifications for the use and acquisition of administrative records.
- *Administrative Data Acquisition, Access, and Use Policy* (DS001a) establishes a mandatory business process for conducting projects that use administrative data. It’s companion piece is the *Handbook for Administrative Data Projects*.
- *Handbook for Administrative Data Projects* (DS001b). The handbook outlines the architecture of the process by which research can be undertaken with Census and survey data linked to other types of data. It contains descriptions of:
 - The review process by which staff may submit and gain approval for administrative records project proposals. The review process determines scientific merit; executes stringent proposal reviews at various levels (e.g., division chief, subject matter expert, and policy); identifies projects involving sensitive topics, populations and data sets or proposed merges; and Census executives provide the final approval for novel or sensitive proposals.
 - The architecture of the Census Bureau’s data stewardship plan that protects the data. Census tightly controls our data stewardship plan (i.e., who can see the data, where it can be accessed); results are subject to disclosure reviews prior to presentation and/or publication; and breach contingency plans are described.

- The Census Bureau's centralized electronic tracking system for survey and administrative data sets controls access to data to authorized users.
- *Privacy Principles (PP)*. The Privacy Principles set the ethical standards for the U.S. Census Bureau's data collection, handling, and dissemination. They serve as the underpinnings for all Data Stewardship policies and as the basis for current and future practices.
- *Policy on Conducting Privacy Impact Assessments (DS019)*. Outlines the requirements for conducting, updating, and releasing a Privacy Impact Assessment. A Census Bureau program, project or system must be covered by an up-to-date privacy impact assessment if it involves the use of identifiable data from or about members of the public and in other cases as required by law or regulation.
- Policy Coordination Office's *Data Access and Transfer Policy*. This policy provides guidelines for registration of datasets, authorization for accessing data, access to data, and transferring of data files within the Census Bureau, using the Data Management System (DMS).
- [Federal Statistical Research Data Centers \(FSRDCs\)](http://www.census.gov/fsrdc). The Census Bureau supports secure FSRDC research environments and FSRDC confidentiality protections. The Census Bureau's Center for Economic Studies maintains and enhances microdata for research use in approved projects. Researchers on external projects sponsored by the Center for Economic Studies (CES) may access data only at FSRDCs. (<http://www.census.gov/fsrdc>)
- [FSCM Working Paper 22 \(Version 2, 2005\)](https://nces.ed.gov/FCSM/pdf/SPWP22_rev.pdf). Report on Statistical Disclosure Limitation Methodology. (https://nces.ed.gov/FCSM/pdf/SPWP22_rev.pdf)