

# Census Bureau Data Stewardship Program

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## DS025: Organization of the Disclosure Review Board

### PURPOSE

The purpose of the Disclosure Review Board (DRB) is to support the Data Stewardship Executive Policy Committee (DSEP) in its efforts to ensure that every information product released by the Census Bureau adheres to the confidentiality requirements of Title 13 and other applicable statutes. This includes proposing policies and setting methodologies underlying confidentiality protection, reviewing Census Bureau information products for potential disclosure concerns before they are publicly released, identifying research opportunities, and coordinating the confidentiality-related activities needed to inform decision-making on data collection, data linking, and data dissemination.

### BACKGROUND

The DRB serves as the focal point for methodology and policy issue identification and development, as well as proposed resolutions and research coordination as it relates to the disclosure avoidance methods that the Census Bureau applies to its information products. It provides a mechanism for a comprehensive and consistent approach to disclosure avoidance that protects respondent confidentiality in our publicly-released tabulations, microdata, and other information products. The DRB also reviews the Census Bureau's Inter-Agency Agreements (IAAs) and Memorandums of Understanding (MOUs) to ensure that we do not commit to produce any data or information product that will not meet our disclosure avoidance standards.

### SCOPE AND AUTHORITY

The DRB, operating under the authority of and vested by DSEP, is empowered to decontrol or otherwise approve for release information products when the confidentiality of the data used to create those products is protected by a statute such as Title 13, Title 26, or CIPSEA (where the Census Bureau is the authorized agent). The DRB and its delegates review and clear all Census Bureau information products within their purview for public release. The DRB also reviews IAAs and MOUs for any confidentiality concerns and oversees the training and certification of Census Bureau employees involved in disclosure avoidance review. It reports to the DSEP and coordinates its efforts with Division Chiefs within the affected Directorates.

## **POLICY**

It is the Census Bureau's policy that every information product (or statistic) created from confidential data must be cleared through the agency's disclosure avoidance process, as administered by the DRB and its delegates, and be issued and accompanied by a clearance number before public release. The DRB provides clearance for such requests through a signed and stamped DRB Review Request Cover Sheet.

The structure and function of the DRB, as well as the process by which the DRB enforces the review and clearance requirement are laid out below.

### **1. STRUCTURE AND MEMBERSHIP**

#### **DRB Program Manager:**

A DRB Program Manager (DRB PM) will be appointed by the DSEP Chair biannually to manage overall DRB operations and activities. The DRB PM also will be responsible for working with DSEP, the Chief Scientist and the DRB to develop and vet Disclosure Avoidance (DA) policies and processes, assist in building stakeholder consensus, and evaluate overall DRB needs and performance. The DRB PM will not be a voting member of the DRB. The recommended time commitment of the DRB PM is 50-80%.

#### **DRB Membership:**

The twelve voting members of the DRB are as follows:

- 2 Technical Co-Chairs, appointed by the DSEP Chair
- 1 Representative from the Policy Coordination Office (PCO)
- 1 Representative from the office of the Associate Director for Communications (ADCOM)
- 2 Representatives from Research and Methodology, Center for Enterprise Dissemination-Disclosure Avoidance (CED-DA), who also represent the Center for Economic Studies (CES) and the Federal Statistical Research Data Centers (FSRDCs)
- 2 Representatives from the Economic Programs Directorate
- 2 Representatives from Demographic Programs Directorate
- 2 Representatives from the Decennial Programs Directorate where one represents the American Community Survey and the other represents the broader Decennial Program.

Total: 12 voting members

#### **Technical Co-Chairs:**

The DSEP Chair will appoint two Technical Co-Chairs annually, but there will be no term limits. Technical Co-Chairs will be appointed based on their expertise in disclosure avoidance practices

and methodologies, and will be selected from DRB Members or their alternates, Disclosure Avoidance Officers (DAOs), Scientific or Professional Staff (STs) or other qualified Census staff.

#### DRB Voting Members and Alternates:

Associate Directors will select their DRB member representatives, who should effectively represent the full scope and variety of their Directorates' confidentiality concerns, activities, and products. The representatives must be knowledgeable of major Census Bureau disclosure avoidance practices, policies, and positions. The expected time commitment of representatives should be reflected in their performance plans. The recommended time commitment is between 20-40%.

The PCO and each Associate Director should also designate 1 or 2 alternate representatives. These alternates should attend DRB meetings for the purpose of training and to provide the DRB with additional expertise. Alternates may vote on behalf of their Directorate if their DRB member is unable to attend the DRB meeting. Alternates may not vote on behalf of absent representatives from other programs.

#### DRB Support Staff:

The DRB PM will manage a DRB Coordinator, an Information Manager and other DRB staff, as needed to support the board's work.

## **2. DUTIES AND RESPONSIBILITIES**

The DRB's principal responsibilities are to review proposed products to be distributed externally to prevent unauthorized disclosures; oversee the development of confidentiality protection policies and methodologies; propose those policies and methodologies to DSEP for approval; communicate DSEP-approved policy and DRB-approved techniques to the subject matter areas for application in producing data for public dissemination; and assist the Policy Coordination Office (PCO) in coordinating disclosure protections and disclosure review policy with other federal agencies and organizations outside the federal government. The DRB implements DSEP policy and makes policy recommendations, but it does not make policy.

The DRB will serve the DSEP by receiving their guidance and review of proposed policies, recommending issues to them for policy development, and recommending and conducting research to guide their review of policies. The DRB Technical Co-Chairs or the DRB PM will represent the DRB at relevant DSEP meetings.

Acknowledging the Operating Committee's role in budgeting, the DSEP will work to ensure that programs provide resources for disclosure avoidance research and for the functioning of the DRB.

The DRB will also serve other Census Bureau functions by actively communicating on related activities (e.g., administrative data usage) and helping coordinate responses to DSEP requests. This will be accomplished chiefly by the efforts of the DRB Technical Co-Chairs or the DRB PM.

The practice of disclosure avoidance at the Census Bureau shall be performed by the requesting individual, program or division (the requestor), and carried out in consultation with the Disclosure Avoidance Review Team (DART).

The DRB will:

1. Implement Census Bureau disclosure avoidance policies on the public release of information products.
2. In accordance with DSEP policy, establish and manage procedures that quantify the global disclosure risk (privacy-loss budget) associated with all formally private Census Bureau data assets, track this risk, and ensure that the cumulative release of data from confidential data inputs does not exceed levels determined by DSEP.
3. Establish guidelines for approving disclosure avoidance procedures for the release of all publicly-available information products based on confidential data curated by the Census Bureau.
4. Review and approve proposed disclosure avoidance procedures for conformance with these guidelines.
5. Create procedures and training materials, subject to review by DSEP.
6. Create procedures and training materials for the Census Bureau's DART, and implement mechanisms to ensure that the members of DART have the technical skills, the training, the tools and the opportunity to perform disclosure avoidance review and procedures on information products prior to their intended release.
7. Within the framework of the aforementioned disclosure avoidance policies, the DRB PM in coordination with DSEP and CED-DA, will communicate disclosure avoidance policy to program managers, Census Bureau officials, data users, prospective sponsors, the public and other stakeholders.
8. Initiate and coordinate research on the disclosure risks of microdata, tabular data, and other statistical outputs; and on the effectiveness of disclosure avoidance techniques as applied to such outputs.
9. Revise the Census Bureau's disclosure avoidance procedures and methodologies as necessary.
10. Assure that all microdata releases that are derived from Title 26 data are reviewed by the Internal Revenue Service (IRS) prior to public release.

The DRB is responsible for reviewing specifications, proposals and any other materials for each submitted information product before public release. This would include any required forms and documentation, such as DRB review requests submitted by DART, to assist DRB reviews.

Working with DSEP, PCO, ADCOM and the Center for Behavioral Science Methods, the DRB may also review and provide guidance on confidentiality statements used to communicate with respondents, data users, and the public, and on current and future Census Bureau programs as they impact confidentiality. The DRB may periodically organize workshops or conduct special reviews of issues related to disclosure avoidance.

The DRB Coordinator will be the primary DRB point of contact for all DRB review requests; including informational requests, recordkeeping requirements and all other administrative matters of the DRB. The DRB meeting agenda and schedule will be based on those submissions and other related issues, and will be developed in consultation with the DRB PM.

All DRB members will be responsible for reviewing those submissions prior to the meeting; communicating with subject matter experts regarding their submissions as appropriate; and working with the DRB PM to bring issues to the attention of DSEP for their consideration, when appropriate.

All DRB members are responsible for ensuring that relevant information on disclosure avoidance policies, procedures and methods is shared with the Division Chiefs within their directorates and that Division Chiefs' views are solicited on policy and research issues within their own scope. If the Division Chiefs concur, they may provide additional information and comment. If they do not concur, they should provide reasons for their non-concurrence to the respective Associate Directors and should convey this to DSEP.

The DRB PM will work closely with the DRB Technical Co-Chairs, the PCO and DSEP to build consensus in the development and implementation of disclosure avoidance policies, procedures, and standards.

The Information Manager will collect, maintain and disseminate information on DRB operations, rules and policies. This will include developing procedures and tools to develop and share DRB information resources.

### **Research Team**

The DRB is supported by CED-DA. The CED-DA research team will analyze disclosure risk and propose protection schemes for microdata, tabular data, and other statistical output. Its primary focus will be on developing techniques to implement disclosure avoidance at the stage of data processing.

### **Disclosure Avoidance Review Team (DART)**

Divisions that release products or publish documents based on confidential data must designate one or more DART members that are charged with performing or overseeing disclosure avoidance activities, such as reviews, record keeping, and preparing for and presenting DRB submissions. Each DART position requires specific training and certification before a Census Bureau employee can perform any of the three primary disclosure avoidance roles as described below.

***Disclosure Avoidance Coordinator (DAC):*** DACs must understand the DRB's required administrative and record-keeping processes. They assist in the submission and recording of required DRB forms and supporting documents. If the DAR or DAO requires assistance in the completion of a DRB form or checklist, the DAC has the ability to fulfill that role. However, ultimate responsibility for the information contained within a request packet falls to the DAR or DAO.

**Disclosure Avoidance Reviewer (DAR):** DARs are responsible for conducting audits of disclosure avoidance review requests to determine if they meet DRB standards, and guiding information products through the DRB review process. They also act as consultants to information product originators and researchers to ensure the proper implementation of disclosure avoidance methods.

**Disclosure Avoidance Officer (DAO):** DAO responsibilities are similar to the DAR, but they have been granted the additional authority to directly approve the public release of some types of information products without a formal DRB review (i.e., *DRB Delegated Authority*).

Each positional requirement is cumulative, in the above order. To be certified as a DAO, for example, one must first be certified as a DAC and then a DAR.

Divisions may specify any number of DART members, but each member must comply with the position's training and record-keeping requirements. The Division Chief must explicitly include the work of DRB or DART members in performance plans, as justified by the expected level of work devoted to the DA review process.

A DAO may serve as a DRB alternate. However, a permanent DRB member must cease being a directorate's or program area's DAO upon becoming a DRB member. A permanent DRB member can still serve as a DAO on a case-by-case basis, as approved by the DRB PM. This includes serving as a DAO if the certified DAR or DAO cannot attend a DRB meeting or executing *DRB Delegated Authority* to approve the public release of a specific information product.

### **3. THE DISCLOSURE AVOIDANCE REVIEW PROCESS**

This section describes the disclosure avoidance review process to be followed by Census Bureau Divisions that seek to publicly release information products based on confidential data.

1. The DRB will maintain and make accessible documents detailing the disclosure avoidance techniques approved for use at the US Census Bureau. In the interest of public accountability, this document will be available for review by the public on the US Census Bureau's website. Any disclosure avoidance parameters that cannot be publicly released will be confined to a confidential appendix.
2. DARs and DAOs must keep informed of approved disclosure avoidance techniques. If a review finds that a satisfactory technique is not available, the DAR or DAO must submit the proposed technique to the DRB to obtain approval for its use. All proposed new rules regarding substate geographies endorsed by the DRB will be tentative until approved by DSEP.
3. A DART member will submit a formal email to the DRB Coordinator, requesting a DRB disclosure avoidance review and clearance of an information product being considered for public release. The initiation email should contain a detailed outline of the submission and a contextual summary of the request. DART members are required to follow a template established by the DRB Coordinator. All materials related to the request must be deposited into that DART member's secure drop-off folder. There should be no transmission of confidential information via email.

4. DRB disclosure avoidance review requests and documentation of final DRB decisions will be uploaded to the DRB database and the Census Bureau's Electronic Project Tracking System (i.e., the Data Management System) as part of the project's documentation.
5. The DAO or DAR attends all DRB meetings during which the clearance request is discussed. When a DAO or DAR cannot attend the DRB meeting, a DRB member may substitute for a DAO.
6. When the product under consideration is produced from a data asset that has been placed on a formal global disclosure risk (privacy-loss) budget, the clearance request shall include the current level of the global disclosure risk approved by DSEP and the proposed increment. Where previous DRB and DSEP determinations have given explicit guidance, the new request must show that the proposed release is within the allowable limits, given that guidance.

Following the DRB meeting, the DRB PM will formally notify the DART in writing of the DRB's decisions and recommendations in an email and meeting minutes. These will become the official record of that DRB meeting.

After receiving an approval stamp and signature from the DRB PM on the previously submitted DRB Review Request Cover Sheet from the DRB Coordinator, the DART will be responsible for:

1. Assuring that the decision is uploaded to the Census Bureau's *Data Management System*.
2. Assuring that all publications based on confidential data cite the release approval number given in the DRB notification.

The DRB will provide documentation that will elaborate on required DRB procedures.

In the event that the Division or the DAR/DAO cannot find agreement with the DRB on procedures to protect an information product scheduled for public release, the Division Chief or FSRDC Director can appeal the matter to DSEP. In such cases, the DRB Technical Co-Chairs or the DRB PM will present the DRB case to DSEP. The DSEP decision is final.

#### **4. DRB MEETINGS**

The DRB shall hold weekly meetings with limited exceptions, such as inclement weather, during a Federal government shutdown or other unforeseen circumstances. The DRB PM and DRB Technical Co-Chairs can schedule special meetings at their request or at the request of two or more DRB members.

The agenda for the meeting shall be circulated not less than one working day before any meeting. If a DRB member is unable to attend a DRB meeting, the member should notify their alternate who can vote in the member's place.

The DRB PM will manage DRB meetings. In the event that neither Technical Co-Chair is available to facilitate the technical discussions for a DRB meeting, they can designate a DRB member as an Acting DRB Co-Chair. If the DRB PM is not available for a DRB meeting, the Technical Co-Chairs can run the meeting. At each of the regularly scheduled meetings, as warranted, the DRB may:

- Review and discuss disclosure risk potential of information product release requests and determine whether to approve or deny requests or whether additional information/research is needed before the DRB can clear the information product.
- Review and discuss interagency and external agreements, as necessary, to ensure that anticipated information products will be able to pass disclosure avoidance review.
- Review and discuss internal and external research activities and results, and propose new research initiatives if necessary.
- Discuss DRB administrative matters.
- Discuss other matters that might come before the DRB.

A quorum of eight DRB members, or a member's designated alternate, is required to conduct a DRB meeting and to be present for any motion to approve or deny an information product clearance request. The DRB will attempt to reach a consensus on all votes. All DRB members present and voting must vote in the affirmative to approve the release of an information product. In cases when the DRB does not reach a consensus, a consensus by the Technical Co-Chairs, and two-thirds of those members who are present and voting, must vote in the affirmative to approve an information product release request.

The DAR or DAO that is responsible for a release request is expected to attend the DRB meeting when their request is being considered. If the DAR or DAO does not attend, the request may be tabled at the discretion of the DRB PM. In some cases, a DRB member can substitute for a DAO. In addition to attending meetings where their data clearance requests are being considered, DARs and DAOs are invited to attend DRB meetings as an informational or training activity, but their attendance is not mandatory.

The DRB PM or a Technical Co-Chair may invite others to attend DRB meetings as appropriate.

### **Votes by Email**

In extraordinary cases, the DRB may conduct a clearance vote by email at the discretion of the DRB PM or a Technical Co-Chair. The email vote is subject to the same quorum rules as noted above and shall be recorded by the DRB Coordinator and affirmed at the next regular DRB meeting.

### **Emergency and Continuity of Federal Government Procedures**

If the DRB is unable to meet due to a declared emergency, Federal government shutdown, or other unforeseen circumstance, the DSEP Chair may approve an information product release in consultation with at least one of the DRB Technical Co-Chairs. The DRB must be informed of such approvals during the next regular DRB meeting.

To allow compliance with this requirement during a Federal government shutdown, the DRB Technical Co-Chairs will be designated as "Orderly Shutdown Needs" (OSN) persons, allowing the employee to be recalled as necessary by the DSEP Chair to perform specified duties.

## **5. DART TRAINING AND DRB DELEGATED AUTHORITY**

The DART training program and certification requirements will be developed and administered by DRB members, in coordination with CED-DA and with concurrence of the DRB and DSEP. Training and the roles of DARs and DAOs are similar, in that both will perform disclosure avoidance reviews. However, DAOs will have the delegated authority to approve the release of some types of information products without DRB review—as determined by the DRB and DSEP. This is known as *DRB Delegated Authority*. DAOs will not be allowed to execute their *DRB Delegated Authority* for products that they have developed directly.

DAO training and certification is sequential. It requires certification as a DAC first and then as a DAR. Certification as a DAO will consist of attendance at DRB meetings and demonstrated mastery of DRB disclosure avoidance review requirements and procedures. The DSEP and DRB have established training requirements that will include successfully reviewing information products for potential disclosure risk and presenting them to the DRB. To do this, DARs who wish to become DAOs (i.e., possessing *DRB Delegated Authority*) must demonstrate an appropriate level of experience. This means they must attend 12 DRB meetings (no less than 12 hours) within a year. They also must successfully present a minimum of four information product review requests that are free from errors during that time period (i.e., the DRB approves of the information product without amendments and there are no errors in the required paperwork that accompanies submissions). Once the probationary period is complete, a DAR can submit a request for the DRB to consider whether they met all of the requirements for *DRB Delegated Authority*. *DRB Delegated Authority* can only be granted by a unanimous DRB vote. If *DRB Delegated Authority* is not granted, the DAR will need to undergo additional training.

DART members' certification shall be valid for three years. DAO certification may be suspended, with cause, by the DRB PM with the concurrence of the DRB. Any information products that a DAO has approved for public release under *DRB Delegated Authority* must be clearly documented and reported to the DRB on a quarterly basis. DRB staff will provide a system for recording DAO information product approvals that were not reviewed by the DRB. In accordance with the DRB, DRB staff will conduct regular audits of DAO's information product releases. If a DAO fails two audits, the DAO's certification will be revoked. In most cases, a records audit, in which the DAO's information product release approvals are reviewed, would be sufficient.

A DAO who has had their *DRB Delegated Authority* suspended may apply to have it reinstated by retaking the training and the certification test, as well as meeting the additional requirements as detailed above.

## **6. DOCUMENTATION**

The DRB Coordinator, in accordance with the DRB PM and Information Manager, will prepare the agenda for each DRB meeting, record DRB decisions on submissions and prepare meeting minutes. The latter will be distributed no later than five working days after the meeting. The DRB Coordinator will be responsible for formally notifying the divisions of the DRB's determination (i.e., approval/denial/referral) regarding their request for clearance, and for assuring that records of the determination are properly archived.

The DRB Information Manager will maintain the DRB's official files. DRB determinations shall also be made available to Census Bureau employees through the Census Bureau's SharePoint portal.

The DRB PM, working with the DRB Information Manager, will prepare an annual DRB report that includes, at a minimum, the approved DRB information product release requests for the year in question and releases that were approved using *DRB Delegated Authority*. This report will be reviewed as an official Census Bureau publication and the final version will be made available on the Census Bureau's external website.

## **7. CURRENT POLICIES**

Guidelines and policy statements on confidentiality, disclosure avoidance, and data protection issued by DSEP shall be reviewed by the DRB every four years, at least, and updated as necessary.

## **EFFECTIVE DATE**

This policy is effective upon signature.

## **LEGAL AUTHORITIES**

Title 5, U.S.C., Government Organization and Employees

Title 13, U.S.C., Census

Title 26, U.S.C., Internal Revenue Code

Confidential Information Protection and Statistical Efficiency Act (CIPSEA)

Federal Information Security Management Act (FISMA)

Title 32, CFR part 2002, "Controlled Unclassified Information"

OMB Memorandum M-01-05, Guidance on Inter-Agency Sharing of Personal Data - Protecting Personal Privacy (December 20, 2000)

OMB Memorandum M-14-06, Guidance for Providing and Using Administrative Data for Statistical Purposes (February 14, 2014)

OMB Memorandum M-16-24, Role and Designation of Senior Agency Officials for Privacy (September 15, 2016)

OMB Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017)

OMB Circular A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act (December 23, 2016)

OMB Circular A-123, Management's Responsibility for Enterprise Risk Management and Internal Control (July 15, 2016)

OMB Circular No. A-130, Managing Information as a Strategic Resource (July 28, 2016)

Executive Order 13556, Controlled Unclassified Information, November 4, 2010

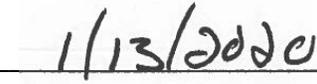
## IMPLEMENTATION

The DRB will meet as necessary, typically weekly, to oversee implementation of this policy.

## POLICY OWNER

The Center for Enterprise Dissemination-Disclosure Avoidance owns this policy.

## SIGNATURE

By Direction:  Date:   
Ron Jarmin  
Chair, Data Stewardship Executive Policy Committee

Summary Information	
Policy Title:	DS-025: Organization of the Disclosure Review Board
Date Signed:	1/13/2019
Last Reviewed:	12/19/2019 (DSEP Approval)
Intended Audience:	All Staff
Policy Owner:	Center for Enterprise Dissemination - Disclosure Avoidance
Office Responsible for Implementation:	All Offices
Office Responsible for Dissemination:	All Offices
Stakeholder Vetting:	PCO, CED-DA, CED Center Chief, DRB leadership, DSEP