

*The Researcher Handbook*

Federal Statistical Research Data Center's  
Handbook for Researchers

June 2017

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## Preface

Welcome to the Federal Statistical Research Data Centers, managed and operated by the Census Bureau's Center for Economic Studies (CES) and its RDC partner institutions. We hope that your research project goes smoothly and is successful. To help accomplish this, we provide this manual so that you will know what to expect at each stage of your RDC project.<sup>1</sup> You are responsible for knowing the rules, regulations, and policies explained in this manual.

*Your research project at a Federal Statistical Research Data Center (RDC) affords you opportunities to carry out unique research arising from the ability to access and explore confidential microdata, but the opportunities come at a price. Your research will take place under a set of rules and limitations that will be considerably more constraining than those prevailing in typical research environments. An important purpose of this manual is to explain these constraints to you.*

*These constraints stem from the legal requirements to meet the conditions of your appointment as a researcher at the RDC—particularly the requirement to maintain confidentiality of the underlying microdata files to which you have been granted access, and the requirement that your project benefit Census Bureau data programs (if applicable).*

This manual is organized as follows.

Chapter 1 explains the legal requirements to maintain confidentiality of the microdata at the RDCs and the legal basis for your obtaining access to the data. In some cases, these requirements come not only from the Census Bureau, but also from other agencies that provide data to the Census Bureau or sponsor surveys. These requirements underlie all the policies described in the rest of the manual.

Chapter 2 explains the life cycle of an approved research project at CES and summarizes the policies and procedures you must adhere to at each stage—from your first contact with us to your project completion and beyond.

Chapter 3 lays out specific policies and procedures related to protecting the confidentiality of the data. In addition, it provides general guidelines on the procedures you must follow to obtain release of your research results from the secure RDC laboratory.

Several appendices provide supplemental material. Appendix A provides a glossary of terms used in this handbook. Appendix B lists the most common forms and templates that you will use during the course of your RDC project. Appendix C defines a data breach and discusses the appropriate actions that should be taken in the event of a breach. Finally, Appendix D provides summaries of and excerpts from the laws underlying the policies in this manual.

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<sup>1</sup> For purposes of this handbook, the term "Research Data Center (RDC)" includes all of the restricted-access facilities operated by the Census Bureau's Center for Economic Studies and its RDC partners, including the facility operated by CES at Census Bureau headquarters.

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 ✓ *FTI must be secured at all times. .... 35*  
 ✓ *No matter the media, FTI must be labeled as such. .... 35*  
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 ✓ *FTI and any material generated therefrom, such as extra copies, photo impressions, computer printouts, carbon paper, notes, and work papers should be destroyed by burning, mulching, pulping, shredding, or disintegrating. Hand-tearing, recycling, or burying information in a landfill are unacceptable methods of disposal. .... 35*  
*The Census Bureau obtains Federal Tax Returns and Return Information (FTI) and related “Official Use Only” data from the Internal Revenue Service (IRS) for statistical purposes. As a recipient of these data, the Census Bureau must ensure that it establishes and maintains to the satisfaction of the IRS certain safeguards designed to prevent unauthorized access to and use of FTI, as well as to protect the confidentiality of that information. Failure to adequately protect these data can result in severe penalties, including fines, imprisonment, civil suits, and loss of your job..... 35*

## Chapter 1: Introduction to General Regulations and Policies

This chapter explains the legal requirements you must meet to maintain the confidentiality of microdata at the RDC, and the legal basis for your obtaining access to the data. You will see that in some cases the requirements are not only those of the Census Bureau, but also those of other agencies that provide data to the Census Bureau or sponsor surveys. These requirements underlie all the policies described in the rest of the manual.

### ***The Legal Requirement to Maintain Confidentiality of Data at an RDC***

The microdata underlying the Census Bureau's data programs are confidential under Title 13 of the U.S. Code (U.S.C.). These microdata were collected directly by the Census Bureau in various surveys and censuses, and they include statistics that quantify the activities of individual business establishments, firms, households, or individuals. Disclosure of confidential information obtained from Census Bureau surveys or censuses is illegal under Title 13. Officially or otherwise, the Census Bureau may not release publicly any data that reveal the identity of individual respondents or information about them. The Bureau gives a pledge of confidentiality to the respondents, the purpose of which is concern for respondent privacy. In addition, there are practical reasons to ensure confidentiality: publication (even inadvertent) of confidential microdata records would most likely reduce cooperation with data collection programs.

To become a researcher at an RDC, the Census Bureau must grant you Special Sworn Status (SSS), as described below. Under SSS, you are subject to the same legal penalties as regular Census Bureau employees for disclosure of confidential information. The penalties are a fine of up to \$250,000, imprisonment for up to five years, or both. Moreover, your obligation to maintain confidentiality of any microdata you have accessed continues for the rest of your life.

Data collected under Title 13 include virtually all Census Bureau microdata sets available at the RDCs; however, the laws of other agencies may also be applicable, and in such cases you will be required to abide by the legal requirements and confidentiality procedures of *both* agencies. Two examples follow.

Your project may be approved to use administrative data that another agency supplies to the Census Bureau under legal agreements. A common case of this is Federal Tax Information (FTI). FTI is provided by the Internal Revenue Service to the Census Bureau for use in carrying out programs authorized under Chapter 5, Title 13 U.S.C. These programs are the Economic and Decennial Censuses and their related survey programs. The relevant laws are Titles 18 and 26 U.S.C. Omdix D provides a brochure that summarizes requirements that must be met in carrying out projects that use FTI; it also provides references to more detailed information. *All* researchers at an RDC must undergo annual training in the proper use and protection of FTI, whether or not their projects use FTI, because in an RDC researchers might inadvertently see FTI.

Your project may be approved to use confidential microdata collected by the Census Bureau under Title 13 for another agency. A common case of this is the Current Population Survey, which is collected by the Census Bureau under Title 13 for the Bureau of Labor Statistics. Researchers may legally use these data for statistical and research purposes only as stated in Title 42, U.S.C., Section 3789g.

We will inform you of any additional requirements.

## **Conditions for Restricted Access to Microdata—Your Special Sworn Status**

The Census Bureau has granted you Special Sworn Status (SSS) to carry out a specific research project that has been approved by the Census Bureau. As a researcher with SSS, you are given restricted access to the specific data required for your approved project. Under Title 13, these data may be used only for *statistical purposes*; that is, to generate an aggregate description of a group of persons or businesses. Data collected for statistical purposes may not be used to make decisions regarding a specific individual or business. For more information, see Appendix A on terminology. SSS is authorized by Title 13 U.S.C. 23 (c) “to assist the Bureau of the Census in performing the work authorized by this title.” The Census Bureau may provide SSS to an individual when...

- an individual has expertise or specialized knowledge that can contribute to the accomplishment of Census Bureau projects or activities or engages in a joint project with the Census Bureau, or
- an individual is employed by an agency/organization performing a service for the Census Bureau under contract or providing information to the Census Bureau for statistical purposes, or
- Federal law requires an individual to audit, inspect, or investigate Census Bureau activities.

*It is important to understand that the Census Bureau's use of researchers with SSS is to further its agenda. The discretionary authority to swear in researchers with SSS rests with the Census Bureau. No individual has a “right” to appointment nor is the Census Bureau obligated to appoint a person who may believe the Census Bureau needs his or her expertise. In approving your research project, the Census Bureau has made the judgment that your activities can contribute to the success of Census Bureau data programs or lead to improvements in them. We have found that granting access to microdata by qualified researchers for specific projects results in mutual benefits to the Census Bureau, the researchers, their scientific fields, and provides information useful to decision makers.*

## Chapter 2: The Life Cycle of Research at the Research Data Centers

This chapter provides a summary and overview of what you can expect in doing research at the Federal Statistical RDCs. One of the purposes of the chapter is to give you an understanding of the perhaps unaccustomed constraints on your activities, particularly if you are used to carrying out research in an academic environment. As explained in the previous chapter, these constraints arise mostly from two legal requirements: to protect confidentiality of the data and to produce benefits to Census Bureau data programs.

### ***Using the RDC***

The following summarizes policies governing your use of the RDC: trainings, renewing SSS, maintaining security, maintaining confidentiality, obtaining release of research output, obtaining new data or carrying out different research, progress reports, and giving seminars or conference presentations.

### **Obtaining Access to the Secure RDC Office**

The RDC office is tied to a security system that meets Census Bureau specifications. You will be given the proper items and procedures for entry (e.g., an alarm code, badge, and the like). Your RDC Administrator (RDCA) will guide you through the security and access procedures particular to your RDC.

You will be provided a badge issued by the Census Bureau that will give you access to the main RDC door. This badge is the property of the U.S. Government. As stated on the back of the badge, “This credential is the property of the United States Government. Counterfeiting, altering, or misusing violates section 499, Title 18 of the U.S. Code.” If you lose your badge, immediately notify your RDCA. Moreover, at the end of the project (or once you stop working on a project), you will be responsible for returning your badge.

### **Obtaining Access to RDC Computer Facilities**

The standard computing equipment at RDCs are X-Terminals (thin-client computing devices) that are used to communicate with secure servers housed in the Census computer center. Through the thin client, you will have remote access — only from within the RDC secure facility — to the CES servers containing your project data and files. All data storage and data processing are performed on these servers. No Title 13 or Title 26 data files are physically on site at any RDC.

The RDC computing environment has the following characteristics.

- Data are stored in a format determined by CES to be best suited to support research activities (e.g., as SAS data sets)
- A limited range of statistical software is available for researcher use
- Access to the central servers is accomplished via a thin client located in the RDC
- All data process work is conducted on the central servers, and no actual data processing is performed on the RDC thin client
- All data work and analysis are conducted by launching Red Hat Enterprise Linux after logging into the Census Bureau’s Virtual Desktop network



- No laptops, tablets, or portable media devices (e.g., USB drives or CD/DVD) are permitted in the lab
- The RDC computer network is isolated from other networks, which means that within the laboratory you will have no access to e-mail or the internet
- You will be accountable for your computer use through the use of passwords and system logs

Each researcher will get an individual project account on the server. You should have already received an Account and Data Request Form, signed it, and sent it to your RDCA. Your administrator will coordinate your account activation with you and the CES data staff. ***Please note that your project's duration will officially begin when the first person on your project logs into his/her project account for the first time.***

To access the RDC servers, you will first need to log into the Census Virtual Desktop (also called VDI) using a userid and password. This userid and password are different from the ones you will use to access the RDC project server. It is your responsibility to keep your VDI account enabled. To do so, either log into the thin client once every 25 days or change your password once every 25 days from the following external website: <https://pss.tco.census.gov/PSS/landing-page.jsf>. If you miss the 25 day window and your account becomes disabled, you will need to request re-enablement before you can log into the RDC project server. To do so, contact your RDCA or another RDCA to assist you.

### **Policy on Phone Use inside the RDC lab**

You are allowed to have a cell phone with you in the lab. However, you may not browse, text, email or stream anything in the lab. If you receive a call while in the lab, please take the call outside of the lab.

If your RDC has a land-line phone for researchers' use, you may use it to discuss RDC project-related issues with another RDC researcher who is inside a different RDC. However, *you must not discuss individual respondents or specific results that have not been cleared*. You may discuss sign, significance, and specification under certain conditions. See the Disclosure Avoidance Review Handbook for more information.

### **Useful Documents**

You will receive a packet of materials, which includes a copy of this manual and a copy of the *Thin Client User Guide* to help you become oriented to the system.

Data documentation can be found in the directories for the corresponding data sets on the RDC server. In addition, the RDC intranet has other useful documents including data documentation, survey forms, and electronic software manuals (e.g., for SAS and Stata). Also, many useful working papers can be found online at the IDEAS website at <https://ideas.repec.org/s/cen/wpaper.html>. Finally, ask your RDCA for assistance if you need additional documentation.

### **Annual Renewals: Special Sworn Status (SSS) and Data Security Training**

It is required that your SSS be renewed at the beginning of every fiscal year. You will not be able to enter the RDC without appropriate training.

The following Awareness Training modules need to be completed annually when notified by your RDCA that the new fiscal year training is available; this is typically in late autumn.

- Title 13 Awareness Training
- Title 26 Awareness Training
- RDC-specific Annual Training

### **Principal Investigator's Project Responsibilities**

The Principal Investigator (PI) on a project has a number of responsibilities related to the management of the project and delivery of the project's benefits to the Census Bureau. The PI is the project contact for all project requests and should maintain control of all aspects of the project. The Principal Investigator's responsibilities include the following:

- Submit annual progress reports in a timely manner;
- Submit request for new researchers to be added to the project;
- Approve all requests to add external data to your project;
- Request the addition of a secondary RDC site to the project if needed;
- Keep track of disclosure requests submitted for your project and verify that they are in scope;
- Submit working papers for the CES Working Paper Series;
- Submit the Post-Project Certification when the project is complete.

See below for more information on completing each of these tasks.

### **Annual Project Progress Reports**

The Principal Investigator (PI) of your project must submit annual progress reports on your project to Census. Progress reports are due on the anniversary of the project's start date (the date the first project researcher logged in). The report should describe the progress that is made towards achieving the benefits to the Census Bureau proposed in your research project. This report should also include any new benefits that may have been realized as a result of your work on your RDC project. A standard template is used for annual reports and can be obtained from a RDCA.

Note that the annual report is prepared outside of the RDC lab. ***Therefore, no undisclosed results should be included in the annual report as it is a public document.*** Instead, researchers should refer to technical memoranda located on the server when discussing benefits that contain undisclosed results.

### **Maintaining Physical, Computer, and Data Security**

The RDC lab has physical security procedures, computer security procedures, and a related set of policies that you must follow. The security and related policies stem from the need to meet the

conditions under which you have been granted access to the data for your project and the need to protect the confidentiality of the data. The official CES policies on Office Security, Computer Security, Data Access, and Confidentiality are listed in the Account and Data Request Form that you signed. Please contact your RDCA for the latest version of this form.

The RDC office has a security system that meets Census Bureau specifications. Your RDCA will give you the proper items and procedures for entry. Your RDCA will also review with you the security policies specific to that RDC, including what to do and whom to call in an emergency, what to do if you accidentally set off an alarm, building evacuation routes, etc.

Be sure to always follow these important rules:

- Never let anyone into the RDC lab. This includes cleaning and maintenance staff, security guards, and other researchers who forgot their badges.
- Never take out any undisclosed results or data from the RDC lab including hand-written notes or print-outs.
- Never discuss undisclosed results or individual observations outside of the RDC lab.
- Never access the internet while in the RDC, even using your personal cell phone. Accessing the internet, checking email, or downloading data for any reason is strictly prohibited.
- Never let anyone use your badge, passwords, or IDS security codes.
- Always badge in when entering the lab even if you are following another researcher.
- Always secure your workstation and lock up or shred written materials when you leave the lab.

## Reporting Data Breaches

In the event of a data breach or if you *suspect* a data breach, you must notify the Census Bureau immediately. A complete definition of a breach and the appropriate actions are shown in Appendix C on p. 27. In summary, in the event of any type of breach (or *suspected* breach), you must notify the following CES staff:

- Your local RDCA (or another RDCA if yours is unavailable)
- Lead RDC Administrator: Nathan Ramsey, [Nathan.ramsey@census.gov](mailto:Nathan.ramsey@census.gov), 301-763-1264
- Director of the Federal Statistical RDC Program: Barbara Downs, [Barbara.a.downs@census.gov](mailto:Barbara.a.downs@census.gov), 301-763-6551

In addition, if the event occurs during non-business hours, you must notify the Census Bureau's Computer Incident Response Team at [BOC.CIRT@census.gov](mailto:BOC.CIRT@census.gov), 1-877-343-2010, or 1-301-763-5141.

## Maintaining Confidentiality and Obtaining Release of Research Output

Chapter 3 details CES policies on maintaining confidentiality of the data. These policies are also listed in the Account and Data Request Form that you signed when your RDC account was created .

Chapter 3 also provides an overview of the procedures for obtaining release of research output. Please see the Disclosure Avoidance Review Handbook for specific instructions and CES policies regarding disclosure analysis.

## Getting Support

You may have data or subject matter questions during the course of your project. **Please begin by addressing questions to your RDCA.** The administrator may be able to answer your question or may put you in touch with a CES or other Census Bureau employee who can answer the question(s). We believe that having contact with CES and Census Bureau experts can provide benefits both to your project and to the Census Bureau's data programs; however, we need to manage this process so that you obtain the support you need in a way that does not overburden the staff, and so that we can maintain a record of support given and of your suggestions for improvements to Census Bureau data programs. Please do not directly contact Census Bureau employees (aside from RDCAs) with questions related to your project.

Most researchers will have access to the lab during non-business hours (including holidays), but support during these times will be limited or non-existent. Sometimes support will be limited during business hours, as well, for example, if the government is shut down due to severe weather conditions.

For problems accessing the Census Virtual Desktop/VDI, you may call the IT Service Desk at 1-301-763-3333 if you cannot reach your RDCA. They can help you with locked accounts, password resets, and some technical issues.

## Adding New Researchers to Project

The Principal Investigator on a project can request addition of new researchers to the project. Justification for such additions will be formally itemized by the PI in the *Application to Add Personnel to an Approved Project* form; please contact your RDCA to request the latest version of this form. There are often residency requirements for foreign nationals who would like to work in the RDCs. If you have any questions about these requirements, check with your RDCA. Approval of additions is at the discretion of CES. If the addition is approved, you and the new researcher will be notified by your RDCA. Only after approval can the new researcher apply for Special Sworn Status with the assistance of your RDCA (or another RDCA, if the new researcher plans to work from a different RDC).

## Adding an Additional RDC site to the Project

If one of the researchers on your project lives or works closer to a different RDC than the rest of the project team, then you can request an additional RDC be a secondary work site for your project. Please note that the project must show that there is a "substantial presence" at the secondary site, meaning that at least one of the project researchers will be accessing the project at the secondary site for a significant period of time. The RDCA at the project's *primary* site is responsible for administration of the project. **Moreover, fees may apply at each RDC.**

The PI on the project needs to send the request to the RDCA of the primary site in order to add a secondary site. The primary site RDCA will notify the RDCA at the new site. The Executive Directors at both sites need to approve the addition. If the request is approved, the RDCAs will make the necessary arrangements for researcher access.

Occasionally researchers may want a brief period of access at another RDC, such as two weeks while on a research trip or on vacation. Researchers in this situation must talk with the RDCA at the primary site first. The RDCA will contact the administrator at the other RDC to discuss the feasibility of this temporary access. Researchers are never to show up at another RDC and expect access without prior approval.

### **Adding External Data to the Project**

In your approved proposal and PPS, you provided a list of external or researcher-provided data necessary for your project to deliver the proposed Census benefits. You have no physical way to transfer data to your project space. All data must be uploaded for you by the CES data staff.

For each external data file that you want uploaded to your project space, complete a User-Provided Data Form (UPDF). The template is available from your RDCA. Then email both the dataset and the UPDF to your RDCA. Your RDCA will ask that the CES data staff upload it to the specified directory. If the dataset is larger than 25 megabytes, is proprietary or cannot be emailed (for example, if the external dataset contains confidential information), discuss with your RDCA the best way to transfer the data.

If the external data that you want uploaded are not listed in your proposal or PPS, then the data will first need to be approved by CES before it can be added to your project. In these cases, the PI must approve the request to upload external data by signing the UPDF before it is sent to CES. Moreover, you may be asked to provide additional information to demonstrate that the external data are in scope and necessary to support your proposed Census benefits.

### **Obtaining New Census Data or Carrying Out Different Research**

Under your Special Sworn Status you may carry out only your approved research project using the data specified in your approved research proposal and your project agreement. If you wish to conduct research using a different/additional Census data set, you must submit a new proposal to be sent through the regular review process. The same applies to a new line of research that is not covered in your approved research proposal. If you have a new idea, please discuss it with your RDCA. The RDCA will work with CES to determine if the idea falls within the scope of your existing project. *CES will not release output that does not fit in the current scope of the project.*

### **Seminars and Conference Presentations**

We encourage you to present your work in seminars and at conferences, including seminars in your local area; however, all output presented to persons without SSS status must undergo disclosure review and clearance (See Chapter 3 and the Disclosure Avoidance Review Handbook for more information.). Any presentations or reports must contain the standard disclaimer shown on page 19.

### **Producing CES Discussion Papers**

The CES working paper series is part of the way we show the value of the RDCs to the research community. All projects using internal Census Bureau data are required to produce at least one CES working paper, and we would prefer that all papers resulting from RDC research be submitted to the CES working paper series (or another appropriate Census Bureau series as approved by CES).

*Note that inclusion in such series does not preclude inclusion in any other paper series (e.g., university or NBER working paper series). For submission procedures, contact your RDCA.*

### **Providing Papers and Research Reports**

You must provide copies to CES (via your RDCA) of all published research papers and reports resulting from your RDC research project. These are crucial parts of your project records.

*You will be allowed to start a new project only when you have provided us with all available project reports and papers from any previous projects.*

### **Requesting Extensions on Projects**

Extensions are strongly discouraged and are granted only in rare circumstances. CES considers these requests on a case-by-case basis. You should keep the RDCA apprised of any project delays as they occur so that the request for an extension is not a surprise to the RDCA. In addition, the RDCA may be able to suggest ways to mitigate delays, eliminating the need for an extension.

You must request a project extension at least 90 days in advance of your project's end date. Your extension request must contain a rationale that focuses on why the additional time is needed to provide the proposed benefits to the Census Bureau. In addition, you must submit a document that summarizes the benefits that have been realized so far in your project.

### **Scheduling Lab Time**

At some RDCs, you may need to schedule your laboratory time. In your proposal, you will have specified the term of your project and some pattern of use.

- If your lab use will be intermittent, you should schedule your visits well in advance. If you do not, it may cause problems in scheduling other researchers and could result in your not having access to a thin client at your desired times.
- It is especially important for you to be aware of when the term of your agreement will expire. Your RDCA can provide you with this information.

*We will give priority to researchers who adhere to their schedules and schedule visits in advance.*

## Exit Process

### Documenting Benefits to the Census Bureau

As explained previously, as a researcher with Special Sworn Status using restricted Census Bureau data, you are carrying out a project that aids the Census Bureau in its mission. You described these benefits in your proposal and benefits statement (also called a Predominant Purpose Statement). Therefore, if your project uses restricted Census Bureau data, you will be required to submit a Post-Project Certification (PPC) summarizing the key findings pertinent to Census Bureau Chapter 5, Title 13 programs, including whether/how the accomplished benefits differed from those proposed and describing their potential application. Often the PPC is accompanied by a technical memorandum, which explains the benefits in detail. This technical memorandum may contain confidential information that will not be released to the public. As such it should be stored in your assigned project space in a subdirectory called /benefits/.

### Writing the PPC

For the vast majority of projects, a large portion of the PPC will simply be the Predominant Purpose Statement (PPS) written in the past tense, including pertinent released results, since most projects achieve their proposed benefits with the methodology itemized in the original proposal documents. Common sense will guide you in deviating from this basic formulation: if you had to change your methodology, explain why and describe the replacement methodology; if you were unable to produce a benefit, so state and explain why; if you produced a benefit during the course of your project that wasn't itemized in the original PPS, then document it in the PPC; and so forth. The PPC should also include your assessment regarding the potential use by the Census Bureau of your findings, methodology, and benefits.

*We will not release your final research output before you have provided the PPC for your project. Moreover, you will not be allowed to return as a researcher until the PPC is submitted.*

### Documenting Your Research

You must provide documentation of data sets and programs for any output you use in a report, memo, or paper—whether you remove them from the Bureau or not. For a variety of reasons, it is important that CES and perhaps other researchers (including yourself) be able to reproduce any results that appear in print. Therefore, for any tabulation or model output you have released, you must provide the program, the log (if the statistical software produces a log), and the output. We will ask you for this information as part of the process of clearing your research output for release.

Moreover, and very importantly, you should trace the evolution of your data sets from the initial data sets we provide you (and that you may bring to the project) to the data sets that give your research results and the statistical output generated. This trail should include program and data set names, and should be sufficiently detailed that CES staff members could reproduce your work. See the Disclosure Avoidance Review Handbook for more details.

### Backing Up and Archiving Data and Programs

The thin client server is backed up regularly. If you lose a file and wish to have it restored, it may be able to be restored; contact your RDCA.

The current CES data archive policy will archive the files in your project space for **seven** years. Note that this clock is reset in the event of a successful reactivation of the project in response to a revise and resubmit request from a journal referee.

If you think that you may want to use key programs again in future projects, we recommend that these be stored in a separate folder in the project space, easily accessible from the main project directory. We recommend that you call this folder /futureprojects\_XXXXX/ where XXXXX is your last name. This will help RDCAs quickly find the programs you want transferred for future use. Note that these programs may not include data that pertain to specific observations (e.g., an EIN value) or pathnames.

### **Returning Badge or Keys**

We will require you to return your Census badge and any other security items when you exit or whenever you will not be on site for a significant amount of time. Any codes you were given for a door or for an alarm will be disabled at that time.

### ***After Exit***

### **Returning for Follow-up Work**

#### Revise and Resubmit

Our policy is to allow researchers to return to the primary RDC without additional charge for reasonable amounts of follow-up work in response to a journal referees' comments for a "revise & resubmit" (R&R). The typical situation involves carrying out additional model estimations. A "reasonable" amount of work uses no new data or research samples, asks for release of a small amount of output that is very similar to output previously released, and otherwise does not cause disclosure problems, *and* can be carried out in less than 6 weeks (allowing 2 weeks for disclosure avoidance review).

To the extent possible, R&Rs should be accommodated within the approved duration of the project. We realize that is not always possible, but time is a resource that must be well-managed by researchers. Reactivations consume both Census Bureau and other agency (i.e., IRS) resources. They should be well-documented, justified, and demonstrate potential enhancements to Title 13 benefits promised in the original project.

To access the RDC lab for work after your project term expires (follow-up work), you must submit...

1. a letter requesting re-admission for follow-up work and including a statement of new benefits to the Bureau from the follow-up work (see the box below for more details).
2. the manuscript that was submitted to the journal,
3. the letter from the journal editor and the referees' comments, *and*
4. the Post-Project Certification (PPC) document.

The PPC for the original project must be approved by CES before the request for reactivation of the project will be reviewed. In addition, projects accessing Federal Tax Information will require IRS approval of both the PPC and the reactivation request.



Your letter requesting re-admission must include...

1. Project number, title and PI name
2. Names and affiliations of all persons who will need access to data under the reactivation
3. RDC(s) where access will take place
4. Requested length of the reactivation in weeks, with justification for any duration longer than 6 consecutive weeks (allowing two weeks for disclosure avoidance review)
5. A list of Census datasets required for the reactivation (if datasets commingled with FTI will be accessed, there must be an accompanying PPS with tracked updates to the benefits describing the new work to be done).
6. The specific tasks that will be undertaking under the reactivation
7. The specific benefit(s) that will be enhanced resulting from the additional analysis.

### New Project

To carry out follow-up work after your project term expires (other than that required for a revise and resubmit), you must submit a new proposal under the standard proposal review process—regular access fees will apply. Contact your RDCA to develop your new proposal.

### **Exit Interview**

At the end of your project, you must go through an exit interview. At this time you will be reminded of your obligations, including the fact that the Oath of Confidentiality is a lifetime obligation.

### **Providing Papers**

If your project is using internal Census Bureau data, you are required to submit a working paper to a relevant Census Bureau series (as approved by CES) and we strongly encourage you to submit at least one working paper for inclusion in the CES Discussion Paper series; this does not preclude inclusion in any other working paper series.

Also, you must provide us copies of **all** published research papers and reports resulting from your RDC research project, even if it is long after your project ends. These are crucial parts your project records.

## Chapter 3: Data Access, Confidentiality, and Introduction to the Disclosure Avoidance Review Process

This chapter presents policies and procedures you must follow in protecting the confidentiality of Census Bureau data supplied for your project. In addition, it briefly presents general guidelines for disclosure avoidance review in the RDCs. More comprehensive guidance can be found in the Disclosure Avoidance Review Handbook.

*This chapter gives policies and procedures concerned with protecting confidentiality of data supplied to you by the Census Bureau under Title 13, U.S.C., and possibly also protected by Title 26 U.S.C. (Federal Tax Information provided by IRS). The chapter does not discuss the rules or the information required for releasing output based on data supplied by the National Center for Health Statistics (NCHS), the Agency for Health Care Research and Quality (AHRQ), or the Bureau of Labor Statistics (BLS).<sup>2</sup> It does, however, cover the process for the submission of requests to these agencies (see the section “**Release of Output From Other Agencies’ Data**”). If you have questions about what is required for review, please contact your project’s agency for more information.*

### General Policies on Maintaining Confidentiality of Data and Clearing Release of Research Output

- **Absolutely no data and/or research results may leave the facilities without being examined and approved by the Center for Disclosure Avoidance Review (CDAR) Disclosure Officer and a designated RDC Administrator (RDCA).**
  - CES releases approved research output only electronically; we do not release output in paper form. Your results will be emailed to you by CES after they have been approved.
  - Handwritten notes may not be removed from the RDC. Handwritten notes should be treated as confidential materials. If you want notes released, type them up and request disclosure review. **Do not put undisclosed results (from memory) into any e-mail, even to Census Bureau employees and even if you think the results would pass disclosure review.**
  - You must not discuss individual respondents or results that have not been reviewed and released by the Census Bureau—in your research papers; via e-mail, phone, or fax; or in casual conversation—with persons outside Census Bureau facilities. This includes discussion with other project researchers with Special Sworn Status when you are not in a secure Census Bureau facility (e.g., inside the RDC). Qualitative discussions are allowed **under certain conditions**. For more about these conditions, see the Disclosure Avoidance Review Handbook.
  - Even revealing that an entity is in the data is a disclosure. In IRS terms, this is revealing the fact-of-filing.
  - The Census Bureau considers it important not only to avoid disclosure of confidential information, but also to avoid the **perception** of disclosure. If respondents perceive that their confidential data is being or will be disclosed, they will be less likely to participate

<sup>2</sup> An exception: The Census Bureau carries out the Medical Expenditure Panel Survey–Insurance Component (MEPS–IC) for AHRQ under Title 13 U.S.C. This survey is supplied by the Census Bureau and is covered here.

- in Census Bureau data collections, whether or not there is any actual disclosure.
- *The parameters in certain disclosure rules themselves are confidential.* Revealing these rules is considered a disclosure and violators will be dealt with accordingly. This policy is explained in the Disclosure Avoidance Review Handbook.
- *It is your responsibility to protect the data:*
  - *You must meet with the RDCA at the **beginning** of your project* to discuss confidentiality and security policies and procedures.
  - *Use data only as authorized, only for project-related purposes.* Confidential Census data may be used only for purposes authorized by the U.S. Census Bureau, and IRS data may be used only for purposes authorized by the Internal Revenue Code. **Casual browsing of confidential data is illegal.** For more detail about protecting IRS data, see Title 26, Appendix B, U.S. Code.
  - *Keep the RDC secure at all times.*
    - Make sure the door is secured whenever you enter or leave.
    - Store materials containing confidential data in a secure, enclosed cabinet when not in use.
    - Ensure that listings and computer screens with confidential data are never visible to visitors or other non-authorized users.
    - Log off or lock the thin client when you leave.
  - *Dispose of all materials containing confidential data properly.* Shred or lock up project-related materials when you are not using them.
  - *All RDC printers are configured to place a watermark on all printouts.* It reads: "Disclosure Prohibited—Title 13 U.S.C. and Title 26 U.S.C." If this watermark does not appear, please report this to your RDCA immediately.
  - *The creation of any printout with FTI must be recorded in one of the CES FTI Printout and Disposal Logs.* Ask your RDCA where the log is located. The destruction (shredding) of any printout with FTI must also be logged. Only printouts with actual FTI need to be recorded in the logs. **FTI printouts that need to be logged are those printouts for economic and SSA projects.** If you are in doubt, log it.

## **Guidelines for Clearing Releases of Results Using Census Bureau Data**

Researchers use the disclosure avoidance process to prepare results for release from the RDC. This section provides some guidelines on the process that you should know as you begin working on your project. **For more specific instructions on the requirements for an actual disclosure request, see the Disclosure Avoidance Review Handbook. You are responsible for learning and following all disclosure avoidance rules.**

- *Carry Along Identifiers in Your Data Sets.* To perform disclosure analysis on economic data, you will need both establishment **and** firm identifiers. Please carry these along even if you don't use them for your analysis. For demographic data, you will need individual or household identifiers, depending upon the unit of your analysis.
- *Results must fall within the scope of the approved project.* CES will not release results that are determined to be outside the scope of the approved project topic. If your research idea has changed or you have a new research idea, contact your RDCA to discuss whether or not the new research falls within the scope of the approved project.
- *CES requires projects to emphasize model output rather than tabular output.* Tabular output typically consists of small one- or two-dimensional tables of variables that describe the samples that appear in the models. CES will not approve removal of large tabulations that were not explicitly described in the approved proposal. Moreover, review of large amounts of tabular output requires significant resources on the part of Census Bureau staff and will be sent to the Disclosure Review Board for review.
- *Clearance requests should be limited to results that will be in a presentation or paper (i.e., output that will appear in a publication.)* The release of "intermediate output" (i.e., output that you know will not appear in a publication) is **STRONGLY DISCOURAGED**. Producing intermediate output for examination inside the RDC is not problematic—removing it, however, can be. Since intermediate output often consists of detailed tables of preliminary descriptive statistics or large numbers of similarly specified regression models, and are often based on "thin" or changing samples, releasing this type of output can increase disclosure risk as well as use up valuable resources reviewing this type of output for release.
- *A clearance request generally consists of 3 parts:* the results to be released, the clearance request memo, which provides details on the output and underlying samples, and the supporting disclosure statistics. You must provide the appropriate documentation and prepare files as described in the Disclosure Avoidance Review Handbook. Inappropriately documented or formatted requests will simply be **NOT APPROVED** and another properly formatted and documented request will need to be submitted.
- *It takes time to conduct disclosure analysis, and you must account for this in your project planning.* CES will not make rushed clearance decisions for events such as conference deadlines or the end of a project. Inform your RDCA as soon as you know you will need release of research output and the approximate date you will need the output.
  - *Plan to meet as early as possible with your RDCA and/or the reviewer of your clearance*

- request. This will minimize learning time on both sides, avoid costly misunderstandings, and speed approval of your clearance requests.
- *Allow for 3 weeks from the date of submission to receipt of the final cleared file(s) for a **typical** release of output.* Properly documented and formatted files can help to minimize the agency review time.
  - *Allow for 3 business days for receipt of cleared files for a **typical** release of programs or research notes.* See the section Disclosure Avoidance Review Handbook for more information about having these files released.
  - *Review times can be longer in certain cases;* e.g., if the output has to go to the Census Bureau's Disclosure Review Board (DRB) or if there is a large amount of output being requested.
- *Carefully consider what samples you will use for your results before your first disclosure request.* One way to think about disclosure analysis is that it is essentially about samples. Each estimate (i.e. mean, sum, beta coefficient, etc.) has underlying it a sample of microdata that was used to construct it. That underlying sample needs to pass the minimum cutoff rules. For demographic data (SIPP, ACS, etc.), this is a minimum number of people or households (unweighted counts). For economic data (ASM, LBD, etc.) the rules include both a minimum number of firms and establishments, as well as a sample concentration requirement.
    - *Sample sizes and disclosure statistics must be provided for each sample and subsample used to create estimates.*
    - *Sample sizes and disclosure statistics must be provided for all implicit samples created by your results.*
  - *You must use a standard disclaimer on all research papers and reports that indicates that your views/results do not represent the opinions or views of the Census Bureau.* Your research products are not considered official Census Bureau data products since they do not undergo an official Census Bureau review to ensure that they meet certain Bureau standards. The disclaimer may be modified to fit the number of authors and to include disclaimer information regarding other organizations. Please check with your RDCA to see if there are any RDC specific acknowledgements that should be included. The disclaimer:

**DISCLAIMER:** *Any opinions and conclusions expressed herein are those of the author(s) and do not necessarily represent the views of the U.S. Census Bureau. All results have been reviewed to ensure that no confidential information is disclosed.*

**For research output produced from 2004–2007,** please add the following acknowledgement for the NSF grant that provided funds for the entire RDC Network: ***Support for this research at the \_\_\_\_\_ RDC from NSF (ITR-0427889) is also gratefully acknowledged.***

## **Release of Output From Other Agencies' Data**

Some projects use data from other agencies—sometimes in conjunction with Census data and sometimes using just the other agency's data. Primarily, these projects use data provided by AHRQ, NCHS, or BLS. The Census Bureau has to adhere to the disclosure rules and policies prescribed by these other agencies. If your project uses other agency data, please check with your

agency analyst to see if there are special output review procedures required for your project.

### **Release of Output Using AHRQ, NCHS, or BLS Data**

There are several types of potential projects that could be covered under these procedures:

- Projects using AHRQ, NCHS, or BLS data exclusively
- Projects using AHRQ and NCHS data
- Projects using AHRQ and Census data
- Projects using NCHS and Census data
- Projects using AHRQ, NCHS, and Census data

### **Projects using AHRQ, NCHS, or BLS data exclusively**

Projects using AHRQ, NCHS, or BLS data exclusively should speak with the data provider about the specific disclosure statistics required and any other rules and requirements that need to be met.

For the request, researchers should:

- 1) Put the requisite files for that request into their project's disclosure directory under a dated subdirectory (e.g., /.../YYYYMMDD/)
- 2) Ensure that the permissions on the dated subdirectory and on the output files have group read, write, and execute permissions (see the Thin Client User Guide for instructions on how to check and change file permissions)
- 3) Include any notes on the disclosure in a readme.txt file in the dated subdirectory
- 4) Notify your analyst with the name of the dated subdirectory (but not the full path name which is confidential)
- 5) Consult with your analyst regarding review times for output

Your analyst will request the files be sent to them by Census for review and possible release to you.

### **Projects using Combinations of Census, AHRQ and/or NCHS data**

For these multi-agency data projects, each agency will appoint one person during the proposal review process to take the lead on disclosure review for the project for that agency. When a request for clearance is received the Disclosure Officer will immediately contact the appropriate personnel and start the process. A typical review of output takes approximately 3 weeks; however, the process will likely require additional time due to additional review required by each agency.

If Census data are involved in the project, Census will conduct the initial review and will not

send the files to the other agencies unless the files are considered releasable based on the Title 13 (Census Bureau) data protections. Researchers need to complete the documentation under the normal rules and procedures outlined in the Disclosure Avoidance Review Handbook. For requests involving other agency data in the creation of the output, personnel from the other agencies will have to review the output and the researcher will need to submit the required information according to each agency's specification for disclosure review.<sup>3</sup> These processes for disclosure avoidance review should be documented in the Review Synopsis at the time of project approval. The researcher should contact the other agencies for more details on the requirements for their disclosure avoidance review process.

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<sup>3</sup> The NCHS/AHRQ annual agreement states that the agencies will jointly review proposals and conduct disclosure review on projects that will use NHIS/MEPS data. NCHS will have the primary responsibility for disclosure risk and will need to keep AHRQ informed.

## Bibliography

The following is a short annotated bibliography giving references on many of the topics discussed in this manual, as well as certain other topics related to privacy, confidentiality, and data access. At the end we list some useful related web sites.

Doyle, P., J. Lane, J. Theeuwes, and L. Zayatz (eds.). *Confidentiality, Disclosure, and Data Access: Theory and Practical Applications for Statistical Agencies*. Amsterdam: Elsevier Science B.V., 2001.

Duncan, G.T., T. B. Jabine, and V.A. deWolf (eds). *Private Lives and Public Policies*. Washington, D.C., National Academy Press, 1993. An excellent reference on privacy, confidentiality, and data access issues related to the government statistical system.

Evans, T., L. Zayatz, and J. Slanta, “Using Noise for Disclosure Limitation of Establishment Tabular Data.” *Journal of Official Statistics*, Vol. 14, No. 4, 1998, pp. 537–551. Available at <http://www.jos.nu/Articles/abstract.asp?article=144537>.

Federal Committee on Statistical Methodology (FCSM), “Report on Statistical Disclosure Limitation Methodology.” Statistical Policy Working Paper 22. Statistical Policy Office, Office of Information and Regulatory Affairs, Office of Management and Budget, May 1994 (Second Version 2005). Available at <https://fcsm.sites.usa.gov/files/2014/04/spwp22.pdf> .

Hundepool, A., J. Domingo-Ferrer, L. Franconi, S. Giessing, R. Lenz, J. Longhurst, E.S. Nordholt, G. Seri, and P. De Wolf. “*Handbook on Statistical Disclosure Control*” Version 1.2, January 2010. Available at [http://neon.vb.cbs.nl/casc/SDC\\_Handbook.pdf](http://neon.vb.cbs.nl/casc/SDC_Handbook.pdf) f

Interagency Confidentiality and Data Access Group. “Checklist on Disclosure Potential of Proposed Data Releases.” Interagency Confidentiality and Data Access Group, an interest group of the Federal Committee on Statistical Methodology, 1999. Available on FCSM web site below.

Jabine, T. “Procedures for Restricted Access.” *Journal of Official Statistics*, 9(2). 537–590, 1993. An excellent and oft-cited background paper used in preparing Duncan, Jabine and deWolf.

Jewett, R. “Disclosure Analysis for the 1992 Economic Census.” A manual describing the disclosure programs used for the 1992 Economic Census. The manual and a version of the programs are available on the FCSM web site cited below.

Willenborg, L., and de Wall, T. *Statistical Disclosure Control in Practice*. Lecture Notes in Statistics 111. New York: Springer-Verlag, 1996.

———. *Elements of Statistical Disclosure Control*. Lecture Notes in Statistics 155. New York: Springer-Verlag, 2001. The two books by Willenbourg and de Wall are general references, perhaps a bit more technical than the Eurostat manual.



**Web sites of interest:**

Federal Committee on Statistical Methodology: <https://fcsm.sites.usa.gov/> . Contains information on FCSM activities, and links to information on confidentiality and disclosure analysis, including conferences and working groups.

American Statistical Association Committee on Privacy and confidentiality home page: <http://community.amstat.org/cpc/home> Contains information on committee activities, and links to information on confidentiality and disclosure analysis, including conferences and working groups.

Searchable U.S. Code website: <http://uscode.house.gov/> .

## Appendix A: Glossary

This appendix is a glossary of terms that can be divided into two general groups: terms related to confidentiality and terms related to the specific procedures for clearing research output at the Federal Statistical Research Data Centers. Please note many of the terms in the first group have multiple definitions; we have given only one here. For good discussions, see Duncan, Jabine, and deWolf (1993) pp. 22–24, and the web site of the American Statistical Association Committee on Privacy and Confidentiality.)

*Administrative records*—systems of records collected and/or maintained by government agencies for the purpose of administering programs—i.e., for *administrative purposes*. Administrative records are distinct from the systems of information collected exclusively for *statistical purposes*, such as those that the Census Bureau produces under authority of Title 13 U.S. Code.

*Business establishment*—a location at, which business is carried out. Usually has a permanent plant number (PPN) associated with it.

*Business firm*—one or more establishments under common ownership. In our files, usually identified by the "ID" or "CFN" (Census file number).

*Clearance request memorandum*—a memo, contained in the clearance request subdirectory, describing a request to clear (release) research output.

*Clearing of research output*—the approval to remove research output from the secure RDC facility. Only the RDCA or other authorized Census Bureau employees may clear research output.

*Confidentiality*—the legal status that indicates that some body of data or information is sensitive and must be protected against loss, misuse, destruction, or unintentional change.

*Dated clearance request subdirectory*—a directory, under the project clearance directory, in, which you place the material for each clearance request: the clearance request memorandum, the research output (and the programs that produced it), and the disclosure output (and the programs that produced it).

*Disclosure*—the inappropriate attribution of information to a data subject, whether an individual or an organization. Disclosure occurs when a data subject is identified from a released file (*identity disclosure*), sensitive information about a data subject is revealed through the released file (*attribute disclosure*), or the released data make it possible to determine the value of the characteristic of an individual more accurately than otherwise would have been possible (*inferential disclosure*). Comments: (1) Disclosure of sensitive data does not have to be exact; disclosure is considered to occur if a characteristic of an individual (e.g., income) is estimated sufficiently closely. (2) Revealing the presence or absence of a unit in a data collection typically is considered to be a disclosure.

*Disclosure analysis*—the act of ensuring that research output does not disclose confidential information about individual business establishments, business firms, households, or individuals.

*Disclosure output (disclosure analysis output)*—certain output, in addition to the research output, that provides the information we need to ensure that your research output does not disclose

confidential information.

*Disclosure output files (disclosure files)*—computer files containing disclosure output.

*Disclosure statistics (disclosure analysis/review statistics)*—certain statistics that enable us to determine whether or not the research output can be cleared. The statistics include information on the numbers of observations (establishments, firms, households, or individuals) in all cells of a table or all categories in models; in some cases they include measures of the possible dominance of a cell total by a small number of observations (usually firms).

*Household*—all persons who occupy a particular housing unit as their usual residence; or who live there at the time of the interview and have no usual residence. The usual residence is the place where the person lives and sleeps most of the time. This place is not necessarily the same as a legal residence, voting residence, or domicile.

*Primary Disclosure Rules for Establishment and Firm Data*—rules for determining when a cell discloses confidential information. The two main rules: (1)  $(n,k)$  rule—a cell discloses confidential information if its  $n$  largest respondents contribute more than  $k$  percent of the cell value. (3)  $p$ -percent rule—a cell discloses confidential information if the second largest respondent can use the cell value to estimate the largest respondent's contribution to within  $p$  percent.

*Project*—the research specified in an approved research proposal.

*Project clearance directory*—a directory (one for each project) on your computer in that contains overall information about clearance activity for the project.

*Research output*—output you would like to remove from the Research Data Center. This will consist of output from statistical models (e.g., regression and other econometric models), together with a limited amount of supporting descriptive statistics (e.g., means and variances of variables in your research sample). Note: Output may not be released that shows data for individual observations. This currently includes residual plots; e.g., plots of residuals against the dependent variable. (This policy regarding plots is under review and may be changed.)

*Research output files*—computer files containing research output, usually generated with statistical packages such as SAS or Stata. The output often includes tables that summarize the coefficient estimates from groups of models, and supporting tables of sample means and variances.

*Statistical purpose*—the motivation for the collection of information to generate an aggregate description of a group of persons or businesses. Data collected for statistical purposes may not be used to make decisions regarding a specific individual or business, although the information may result in policy changes that could result in benefits or costs to persons or businesses. Examples: investigating geographical factors related to crime, the relation between welfare benefits and educational levels of welfare recipients. Stands in contrast to data collected for *administrative purposes*, which may be used to make decisions regarding individual persons or businesses—e.g., to determine eligibility for welfare benefits.

## **Appendix B: Common Project-Related Forms**

This appendix lists the most common forms and templates researchers use when conducting their RDC projects. Because the content of these forms change periodically, please contact your RDC for the latest version of the form when needed.

**Account Creation and Data Request Form (ADRF)** – This form contains the official CES policies on Office Security, Computer Security, Data Access, and Confidentiality in addition to account details specific to your project. This form is sent by the CES Data Staff to researchers when their project account is created. By signing this form, researchers agree that they are aware of and will abide by the policies listed in this form.

**User-Provided Data Form (UPDF)** – Researchers must complete and submit this form for each external dataset that they want uploaded to their project space. If the external dataset was not listed in the original project proposal or PPS, CES will first review the UPDF before determining whether or not the data can be uploaded.

**Application to Add Personnel to an Approved Project (ADR2P)** – The Principal Investigator completes and submits this form when requesting that an additional researcher be added to the project. If the addition is approved, then the new researcher may apply for Special Sworn Status.

**Clearance Request Memo** – This form must be completed for each clearance request for released output. In this memo, researchers provide information on the type of output being released, how the output fits into the project's proposed benefits, and supporting information on sample sizes and variables necessary to determine that the requested output passes the disclosure avoidance criteria. In general, this form is completed inside the RDC and saved in the project space. However, your RDCA can provide you with a generic public version of the memo to assist you in your preparations for a clearance request.

## Appendix C: Data Breach Memorandum

May 1, 2007

### U.S. CENSUS BUREAU CENTER FOR ECONOMIC STUDIES (CES) PROCEDURES FOR DEALING WITH A SUSPECTED DATA SECURITY BREACH BY CENSUS RESEARCH DATA CENTER (RDC) RESEARCHERS

*Definition:* A data breach is defined as the unauthorized **access to, inspection of, or release of** information required by law to be kept confidential under Title 5 (personal information), Title 13 (Census Bureau information), Title 26 (Internal Revenue Service information), the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 or other relevant U.S. statute (e.g., for data supplied by another federal government agency); or for data supplied by any government agency (e.g., a State) required to be kept confidential.

#### Determining whether a data breach has occurred.

##### A. Personally Identifiable Information

1. As soon as a data breach involving Personally Identifiable Information (PII) is suspected, the individual identifying the suspected breach is required to inform the Census Bureau's Computer Incident Response Team (<BOC.CIRT@census.gov>; 1.877.343.2010 or 1.301.763.5141) within one hour.<sup>1</sup> (BOC CIRT will inform appropriate management officials.) All actions with regard to PII must be consistent with procedures specified by Census Bureau Data Stewardship DS-022 "Data Breach Policy".
2. The BOC CIRT Data Breach Team (DBT, as described in DS-022) will undertake an investigation of all suspected data breaches of PII, in cooperation with any security office of the partner institution hosting the RDC. The researcher, the CES Disclosure Officer, the CES Security Officer, and the RDC Administrator will be asked to provide information regarding the incident, and the RDC Executive Director will also be consulted. The DBT will attempt to determine if the security breach occurred; and if so, if it involved PII, Title 13, Title 26, or other data; if the disclosure was inadvertent or deliberate; and if the disclosure was reported by the researcher or identified by someone else. All individuals involved in the investigation will be requested to protect the researcher's identity until a breach has been verified. To the extent necessary, other federal agencies may be involved in the investigation.
3. If the BOC CIRT determines that a data security breach has occurred, the researcher will be given an opportunity to submit a statement for the record.

##### B. Non-PII Title 13, Title 26, or CIPSEA/other government data

1. As soon as a data breach involving non-PII Title 13, Title 26, or CIPSEA/other government data is suspected, the researcher must inform a CES management official (the CES Division Chief, the Assistant Division Chief for Research, the Assistant Division Chief for Research

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<sup>1</sup> Memorandum M-06-19 (July 12, 2006) from the Office of Management and Budget requires the reporting of all *suspected* as well as confirmed incidents involving personally identifiable information (PII). According to the memo, PII is defined as "any information about an individual maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and ... name, social security number, date and place of birth, mother's maiden name, biometric records, etc." See <<http://www.whitehouse.gov/omb/memoranda/fy2006/m-06-19.pdf>>. The definition of PII is evolving so any release of information that might be construed as PII must be reported. The Census Bureau will determine the classification of all information.

Support, or the Lead RDC Administrator) within one business day. (If no senior CES management official is available, the RDC Administrator for the location that the suspected breach occurred must be informed.)

2. The CES Security Officer or the CES Disclosure Officer will lead an investigation of all suspected data breaches, possibly in cooperation with any security office of the partner institution hosting the RDC and any Census Bureau office that could provide assistance. The researcher, the CES Disclosure Officer, and the RDC Administrator will be asked to provide information regarding the incident, and the RDC Executive Director will also be consulted. CES will attempt to determine if the security breach occurred; and if so, if it involved Title 13, Title 26, or other data; if the disclosure was inadvertent or deliberate; if the disclosure was reported by the researcher or identified by someone else; and whether the disclosure would have been approved if a request had been made to do so. All individuals involved in the investigation will be directed to protect the researcher's identity until a breach has been verified.

3. In cases where the researcher does not admit that there has been an unapproved disclosure, the CES Division Chief will consult with at least one RDC Executive Director not involved in the incident about how to interpret the information that has been gathered. If the CES Division Chief does determine that a data security breach has occurred, the researcher will be given an opportunity to submit a rebuttal for the record.

### **CES policy establishing procedures for responding to a verified data security breach.**

*A. For disclosure of data or estimates without prior approval by CES Disclosure Officer or other CES official, but not in violation of Title 13 or Title 26 confidentiality requirements or those pertaining to other data accessible at the RDCs (that is, the information would have been approved for release had the proper procedures been followed).*

#### 1. Title 13 or Title 26 data

*a. First offense:* The CES Division Chief issues a formal warning letter to the individual, with a copy to the RDC Executive Director and the individual's direct supervisor (e.g., university department chair or dean). If the disclosure was inadvertent and especially if the disclosure was revealed to CES by the researcher, the CES Division Chief may, at his or her sole discretion, determine that a letter not be sent to the individual's direct supervisor.

*b. Second offense:* One-year ban on applying for any new project at an RDC effective when the current project expires. The Census Bureau's Associate Director for Economic Programs (ADEP) issues a violation letter to the offender, with a copy to the RDC Executive Director, and the head of the individual's institution (e.g., the university president). If the disclosure was inadvertent and especially if the disclosure was revealed to CES by the researcher, the ADEP may, at his or her sole discretion, determine that a letter be sent to the individual's direct supervisor instead of the head of the institution.

*c. Third offense:* Immediate suspension of the offender's Special Sworn Status (SSS) and a lifetime ban on applying to the RDC program. The Census Bureau's Deputy Director issues a notification letter to the individual, with a copy to the RDC Executive Director and the head of the individual's institution (e.g., the university president).

#### 2. CIPSEA or other government data

*a. First offense:* CES Division Chief issues a formal warning letter to the offender with a copy to the Census Bureau's Data Custodian, the RDC Executive Director, and the individual's direct

supervisor. The Data Custodian will inform the data provider if so indicated in the Memorandum of Agreement (MOA) with the provider. If the disclosure has no practical impact, the Data Custodian may determine that notification of the data provider is not appropriate. Any requirements or penalties in the MOA will apply.

*b. Second offense:* One-year ban on applying for any new project at an RDC effective when the current project expires. The Census Bureau's Associate Director for Economic Programs (ADEP) issues a formal warning letter to the offender with a copy to the Census Bureau's Data Custodian, the RDC Executive Director, and the head of the individual's institution. The Data Custodian will inform the data provider if indicated in the MOA with the provider. Any requirements or penalties in the MOA will apply.

*c. Third offense:* Immediate suspension of SSS and a lifetime ban on applying to the RDC program. The Census Bureau's Deputy Director issues a notification letter to the offender with a copy to the Census Bureau's Data Custodian, the RDC Executive Director, and the head of the individual's institution. The Data Custodian will inform the data provider if indicated in the MOA with the provider. Any requirements or penalties in the Agreement will apply.

*B. For disclosure of data without approval by the CES Disclosure Officer or other CES official that is determined to be in violation of Title 13, Title 26, or other statutory, administrative, or consensual (e.g., MOA) restriction, including disclosure of PII.*

1. PII, Title 13, or Title 26 data

- a. The CES Division Chief will inform the IT Security Officer, the appropriate Associate Director(s), the Deputy Director, the Internal Revenue Service (IRS, if Title 26 data are involved), and the RDC Executive Director, and immediately suspend the researcher's SSS.
- b. The corrective measures to be taken will be determined by the Deputy Director (and if appropriate, the IRS), which may include a lifetime ban on working in the RDC program and may include turning the case over to the Department of Justice for prosecution. Note that violation of Title 13 could result in a fine up to \$250,000 and/or imprisonment for up to 5 years.
- c. At the appropriate time, the Census Bureau will inform the head of the individual's institution of the individual's conduct and assessed penalty.

2. CIPSEA or other government data

- a. The CES Division Chief will inform the Census Bureau's Data Custodian, the IT Security Officer, the ADEP, the Deputy Director, and the RDC Executive Director and immediately suspend SSS. The Data Custodian will inform the data provider as indicated in the MOA with the provider.
- b. The corrective measures to be taken will be determined by the data provider and the Census Bureau, may include a lifetime ban on applying to the RDC program, and may include turning the case over to the Department of Justice or other relevant entity for prosecution.
- c. At the appropriate time, the Census Bureau will inform the head of the individual's institution of the individual's conduct and assessed penalty.

*C. When a data breach has been confirmed, the RDC involved will review its procedures for maintaining confidentiality of the data and output and take corrective action if appropriate. Two or more breaches in a 12-month period may result in temporary or permanent closure of the facility.*

## Appendix D: Legal Information

This appendix provides information (summaries and quotes) on the laws underlying the policies spelled out in this researcher handbook. The most important law is Title 13 U.S. Code for the Census Bureau. Titles 18 and 26 for the Internal Revenue Service (IRS) is also extremely important to the Census Bureau because IRS federal tax data are used in many Census Bureau data programs—chiefly in constructing and maintaining sampling frames. The IRS legislation imposes certain restrictions on this use.

### **Census Bureau Legislation—Title 13 U.S. Code**

#### **General Information**

Title 13 authorizes the Census Bureau to carry out specific data collection programs. It also requires the Census Bureau to maintain the confidentiality of the data the Census Bureau collects, and it authorizes the Bureau to use "temporary staff" to "assist the Bureau in carrying out the work authorized by this title."

Several chapters of Title 13 authorize the Census Bureau to collect data. This is important because Under IRS law (Title 26, section 6103), Federal tax data may be used only in programs authorized under Chapter 5 and to carry out "related statistical activities authorized by law." The Decennial Census and the Economic Census and related survey programs are authorized under Title 13 Chapter 5. An important exception is the Quarterly Financial Reports (QFR), which is authorized under Title 13 Chapter 3, but is specifically authorized to use Federal tax data under Title 26 section 6103 as a "related statistical activity authorized by law."

The following sections provide relevant sections from Title 13, along with brief summaries.

#### **Protection of Confidential Information—Sections 9 and 214**

##### *Summary:*

With the exception of data from censuses or interim surveys of governments, information collected and/or compiled under authority of Title 13, is confidential. The following restrictions apply:

- Data may be used only for statistical purposes
- No publication may permit identification of data for a particular business or individual
- Only sworn employees may examine individual reports
- Temporary staff (i.e., persons with Census Bureau Special sworn Status) may assist in performing work authorized by Title 13 but only if those persons are sworn to observe the confidentiality provisions in Section 9 of the statute.
- Conclusion: All Researchers at RDCs must assist the Census Bureau in performing work authorized by Title 13, and all must be sworn to observe the confidentiality provisions of Title 13, Section 9.

##### *Law:*



CHAPTER 1—ADMINISTRATION  
SUBCHAPTER I— GENERAL PROVISIONS

**Sec. 9. Information as confidential; exception**

- (a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison may, except as provided in section 8 or 16 or chapter 10 of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998.<sup>(1)</sup>
- (1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for, which it is supplied; or
  - (2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or
  - (3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports. No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports, which have been retained by any such establishment or individual. Copies of census reports, which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.
- (b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records

**Sec. 214. Wrongful disclosure of information**

Whoever, being or having been an employee or staff member referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 9 of this title, or whoever, being or having been a census liaison within the meaning of section 16(2) of this title, publishes or communicates any information, the disclosure of, which is prohibited under the provisions of section 9 of this title, and, which comes into his possession by reason of his being employed (or otherwise providing services) under the provisions of this title, shall be fined not more than \$5,000<sup>1</sup> or imprisoned not more than 5 years, or both.

**Authority for Temporary Staff (Special Sworn Status)—Section 23(c)**

*Law:*

CHAPTER 1—ADMINISTRATION  
SUBCHAPTER I— OFFICERS AND EMPLOYEES

**Section 23. Additional officers and employees (excerpts)**

- (b) The Secretary may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities, and employees of private organizations to assist the Bureau in performing the work authorized by this title, but only if such temporary staff is sworn to observe the limitations imposed by section 9 of this title. Authorizations For Data Collection Programs—Chapter 5

**Data Programs Authorized by Title 13 Chapter 5**

*Summary:*

The following data collection programs are authorized by Title 13 Chapter 5.

- Quinquennial Economic (Business) Censuses (Sec. 131)
- Decennial Census of Population and Housing (Sec. 141)
- Quinquennial Census of Governments (Sec. 161)
- Intercensal Population Estimates (Sec. 181)
- Current Survey Programs—on the subjects covered by Title 13 Census programs (Sec. 182)

<sup>1</sup> Note: The fine has been increased to \$250,000, as stated elsewhere in this handbook.

*Law:**Economic (Business) Censuses:***CHAPTER 5****SUBCHAPTER I—MANUFACTURES, MINERAL INDUSTRIES, AND OTHER BUSINESSES****Sec. 131. Collection And Publication; Five—Year Periods**

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for, which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof.(9)

*Decennial Census Of Population And Housing:***CHAPTER 5****SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, AND UNEMPLOYMENT****Sec. 141. Population And Other Census Information.**

- (a) The Secretary shall, in the year 1980 and every 10 years thereafter, take a decennial census of population as of the first day of April of such year, which date shall be known as the "decennial census date", in such form and content as he may determine, including the use of sampling procedures and special surveys. In connection with any such census, the Secretary is authorized to obtain such other census information as necessary.

*Census of Governments***CHAPTER 5****SUBCHAPTER III—GOVERNMENTS****Sec. 161. Quinquennial Censuses; Inclusion Of Certain Data**

The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but shall not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units.

**Sec. 163. Authority Of Other Agencies**

This subchapter does not revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

**CHAPTER 5****SUBCHAPTER IV—INTERIM CURRENT DATA***Intercensal Population Estimates***Sec. 181. Population**

- (a) During the intervals between each census of population required under section 141 of this title, the Secretary, to the extent feasible, shall annually produce and publish for each State, county, and local unit of general purpose government, which has a population of fifty thousand or more, current data on total population and population characteristics and, to the extent feasible, shall biennially produce and publish for other local units of general purpose government current data on total population. Such data shall be produced and published for each State, county, and other local unit of general purpose government for, which data is compiled in the most recent census of population taken under section 141 of this title. Such data may be produced by means of sampling or other methods, which the Secretary determines will produce current, comprehensive, and reliable data.

*Survey Programs***Sec. 182. Surveys**

The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.

**Other Title 13 Data Programs***Summary:*

The following data programs are authorized by other parts of Title 13.

- Quarterly Financial Reports (Chapter 3)

- Foreign Commerce and Trade Statistics (Chapter 9)

*Law:*

**TITLE 13**

**Chapter 3**

**Subchapter IV—Quarterly Financial Statistics**

**Sec. 91. Collection and publication**

- (a) The Secretary shall collect and publish quarterly financial statistics of business operations, organization, practices, management, and relation to other businesses, including data on sales, expenses, profits, assets, liabilities, stockholders' equity, and related accounts generally used by businesses in income statements, balance sheets, and other measures of financial condition.
- (b) Except to the extent determined otherwise by the Secretary on the basis of changed circumstances, the nature of statistics collected and published under this section, and the manner of the collection and publication of such statistics, shall conform to the quarterly financial reporting program carried out by the Federal Trade Commission before the effective date of this section under section 6(b) of the Federal Trade Commission Act.
- (c) For purposes of section 6103(j)(1) of the Internal Revenue Code of 1986, the conducting of the quarterly financial report program under this section shall be considered as the conducting of a related statistical activity authorized by law.

**TITLE 13**

**Chapter 9—COLLECTION AND PUBLICATION OF FOREIGN COMMERCE AND TRADE STATISTICS**

**Sec. 301. Collection and publication**

- (a) The Secretary is authorized to collect information from all persons exporting from, or importing into, the United States and the noncontiguous areas over, which the United States exercises sovereignty, jurisdiction, or control, and from all persons engaged in trade between the United States and such noncontiguous areas and between those areas, or from the owners, or operators of carriers engaged in such foreign commerce or trade, and shall compile and publish such information pertaining to exports, imports, trade, and transportation relating thereto, as he deems necessary or appropriate to enable him to foster, promote, develop, and further the commerce, domestic and foreign, of the United States and for other lawful purposes.(18)

## ***Protecting Federal Tax Information (FTI)—Titles 26 and 18, U.S. Code***

This section contains a brochure (reformatted for inclusion in this handbook) that describes the need to safeguard and protect FTI. It summarizes the policies, the underlying laws, and punishments for violations.

Before gaining access to any data set containing FTI, you will be required to undergo awareness training and sign a statement indicating your understanding of and willingness to follow the policies that govern your restricted access to FTI.

## QUICK REFERENCE GUIDE

# SAFEGUARDING & PROTECTING FEDERAL TAX RETURNS & RETURN INFORMATION

The Census Bureau obtains Federal Tax Returns and Return Information (FTI) and related “Official Use Only” data from the Internal Revenue Service (IRS) for statistical purposes. As a recipient of these data, the Census Bureau must ensure that it establishes and maintains to the satisfaction of the IRS certain safeguards designed to prevent unauthorized access to and use of FTI, as well as to protect the confidentiality of that information. Failure to adequately protect these data can result in severe penalties, including fines, imprisonment, civil suits,

## Definitions

All FTI and “Official Use Only” data should be treated as confidential, which means disclosure is restricted. **Disclosure** is the making known of FTI or “Official Use Only” data in any manner to anyone. There are three types of disclosures:

- **Authorized disclosure**—disclosing confidential data to other employees with a work-related “need to know.” This is legal.
- **Willful unauthorized disclosure**—knowingly providing confidential data to anyone who is not entitled to have them. This is illegal.
- **Inadvertent unauthorized disclosure**—mistakenly giving confidential data to a person who shouldn’t have it. Penalties can apply under Title 13.

**Willful unauthorized access** or inspection of FTI is simply looking at, or browsing through, data that are not needed to complete required tasks. This is illegal.

An **authorized use of FTI** at the Census Bureau is one that both Census and IRS officials have approved through the formal review and approval process.

## IMPORTANT FACTS

- ✓ All tax data, including names and addresses, are equally sensitive and are subject to IRS safeguard requirements and penalties.
- ✓ Files that contain both Federal Tax Returns and Return Information (FTI) and non-FTI data are referred to as “commingled” data sets and are subject to the same IRS safeguard requirements as FTI, no matter how limited the use of FTI.
- ✓ Each individual is bound by these Federal laws for life, regardless of his or her employment status.
- ✓ FTI data used at the Census Bureau are subject to the privacy and confidentiality provision of Title 26 Internal Revenue Code, Title 13 Census, and Title 18 Crimes and Criminal Procedure.
- ✓ Unauthorized disclosure of FTI is illegal. Only provide FTI to those with an approved, work-related “need to know.”
- ✓ Casual browsing of FTI for, which you do not have an authorized “need to know” is illegal. For example, unless you have a “need to know,” you cannot inspect tax records of your neighbor or favorite TV personality.
- ✓ FTI must be secured at all times.
- ✓ No matter the media, FTI must be labeled as such.
- ✓ Listings and computer screens displaying FTI must not be visible to visitors or other non-authorized users.
- ✓ FTI and any material generated therefrom, such as extra copies, photo impressions, computer printouts, carbon paper, notes, and work papers should be destroyed by burning,

## **Additional Information**

For more detailed information, visit:

### **IRS Publication 1075**

<https://www.irs.gov/pub/irs-pdf/p1075.pdf>

### **Administrative Records Handbook**

[https://www2.census.gov/foia/ds\\_policies/ds001.pdf](https://www2.census.gov/foia/ds_policies/ds001.pdf)

### ***IT Security Office***

***<http://www.osec.doc.gov/osy/censussuitland/OSYSuitland.html>***

