



The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)

Training for ERS staff, Contractors and Agents

Economic Research Service (ERS)
United States Department of Agriculture
www.ers.usda.gov

About This Training

- To ensure that confidential information is safeguarded, as outlined by laws that apply to USDA, this course is required for all USDA staff, contractors, and Designated Agents of USDA who collect, access, or manage confidential or sensitive data, according to the Confidential Information Protection and Statistical Efficiency Act (CIPSEA).
- This training must be taken annually
- If you have any questions or concerns regarding the information in this training, please contact the ERS Confidentiality Officer, Bob Dubman
bdubman@ers.usda.gov.

Confidential Information and Federal Law

- Confidential information is any personally identifiable information (PII)—or information associated with it—about a person or establishment, collected under an assurance that restricts sharing the information.
- Federal law, good statistical practice, and our ethical obligations to the American people all require that any confidential information collected by USDA is treated with the utmost concern for the privacy of those who provide it. This course focuses on the confidentiality laws that apply to USDA data and the steps USDA takes to adhere to them.

Confidential Information

- Confidential information refers to information collected from an individual or establishment that
 - could be used to publicly identify respondents, and
 - was collect under a restriction about sharing the information with others.
- Confidential information may be referred to as restrict data, identifiable data, data from in-house files, or personally identifiable information (PII).
- Confidential information includes direct and indirect identifiers.

Confidential Information

- Direct identifiers relate specifically to data that could lead to the identification of an individual (such as name, address, and social security number) or an establishment.
- Biometric records, such as fingerprints are also direct identifiers.
- Indirect identifiers are information that, when combined with other information, could identify a respondent. Examples include geography, race, ethnicity, occupation, date and place of birth or other descriptors.

CIPSEA

- CIPSEA was signed into law on Dec. 17, 2002 as Title V of the E-Government Act of 2002, Public Law 107-347
- CIPSEA Subtitle A, Confidential Information Protection
 - Strengthens confidentiality protections
 - Limits use of information to statistical purposes
 - Permits controlled sharing of CIPSEA information for statistical purposes
 - Imposes severe penalties for willful violation of CIPSEA

More information on CIPSEA is located at

http://www.whitehouse.gov/sites/default/files/omb/assets/omb/inforeg/cipsea/cipsea_statute.pdf

Requirements Under CIPSEA

When information is collected under CIPSEA, USDA is required to:

- Inform respondents about the CIPSEA confidentiality protection law and monitor use of the information
- Collect and handle confidential information in ways that prevent unauthorized disclosure
- Ensure the information is used for statistical purposes
- Review information (including text, tables, charts, and microdata) before dissemination to prevent release of identifiable information
- Provide CIPSEA training and monitor annual training requirements

CIPSEA Pledge

For CIPSEA data collections, agencies/units must:

- Pledge to keep the data or information confidential, and
- Pledge that the information will be used exclusively for statistical purposes.

CIPSEA Pledge

The information you provide will be used for statistical purposes only. In accordance with the Confidential Information Protection provisions for Title V, Subtitle A, Public Law 107-347 and other applicable Federal laws, your responses will be kept confidential and will not be disclosed in identifiable form to anyone other than employees or agents. By law, every ERS employee as well as every agent such as contractors and authorized researchers is subject to a jail term of up to 5 years, a fine of up to \$250,000, or both if he or she discloses ANY identifiable information about you.

Provisions

Statistical purposes mean:

- Description, estimation, or analysis of the characteristics of groups, without identifying individuals or organizations that comprise such groups

Statistical purposes do NOT include:

- Use of information in an identifiable form that affects the rights, privileges, or benefits of a respondent
- Use of data for administrative purposes such as compliance with Federal regulations
- Providing confidential information in response to a Freedom of Information Act (FOIA) request.

Provisions (cont.)

CIPSEA enables **statistical** agencies **to** designate “Agents” to have access to confidential CIPSEA micro-data. Designated Agents with acceptable research proposals agree to:

- Comply with conditions specified in written agreements
- Complete confidentiality training
- Sign ERS Confidentiality Agreement
- Comply with USDA control, supervision and monitoring of data use
- Specify use, period of access, list of all persons granted access and data destruction or return
- Submit research results and text to ERS for review of disclosure risks and adherence to written agreements prior to release to others, including public dissemination or publication.

Penalty

Violating CIPSEA by not protecting the confidentiality of information or improperly using information for non-statistical purposes can result in you being charged with a class E felony that could result in:

- Imprisonment for not more than 5 years

AND/OR

- A fine of not more than \$250,000

ERS Confidentiality Agreement

- Your signature means you have given a lifetime pledge to protect confidential information, even after you leave ERS, when your association with ERS ends, and when a contract or project is completed.
- Protecting confidential information includes never sharing or discussing it with anyone who does not have ERS's written approval to access the information.

Roles and Responsibilities

- Confidentiality Officer
 - Each Agency has a Confidentiality Officer that is responsible for ensuring OMB Guidelines are met for all Agency surveys.
- Survey Manager
 - Each Survey has a Survey Manager that oversees the initiation and collection of survey data and approves projects
- Data Custodian
 - Each Survey will have a Data Custodian accountable for maintaining physical and information system security and controlling access to the data.

Implementation

- ERS/USDA uses a data use Project Agreement and MOU to designate “agents” who may have access to confidential micro-data and use the data only for statistical purposes
- Access can be granted on-site or through a data enclave contractor
- ERS may designate as an agent:
 - An employee of a private organization or a researcher affiliated with an institution of higher learning;
 - Someone who is working under the authority of a government entity; or
 - Someone who is a self-employed researcher or consultant.

Applicable Laws in Addition to CIPSEA

Other laws exist that protect certain confidential federal microdata

- Title 7 U.S.C. 2276: Confidentiality of Information collected by USDA
- Exemption (b)(6) under Freedom of Information Act protects personal information when disclosure “would constitute a clearly unwarranted invasion of personal privacy.”
- Privacy Act: nondisclosure without written consent, but with exceptions (e.g., law enforcement)
- Federal Contract Law (applies to various contracts)

Breach of Confidentiality

A breach of confidentiality has occurred if a user can determine from publicly released information:

- That an individual is a respondent to an ERS survey
- An attribute that a specific survey respondent reported to ERS

If a breach occurs, the Survey Manager and the ERS Confidentiality Officer should be notified within one hour.

Mandatory Disclosure Risk Review

Prior to release, information from confidential ERS survey data must be reviewed to ensure that confidentiality is protected and identifiable information is not disclosed.

The following must be reviewed for disclosure risk prior to release:

- ERS standard products (papers/articles/tabulations) derived from the use of ERS restricted-access microdata
- Requests from designated agents to disseminate any research results in any form
- Public-use microdata files

Requirements for ERS Staff and Agents

- Understanding CIPSEA requirements protecting confidentiality and limiting use of CIPSEA survey information to statistical purposes
- Protection of all confidential ERS survey information
 - Restricted-use data cannot be stored on a home PC or laptop outside the office
 - Restricted-use data cannot be stored on a personal computer
 - Restricted-use data cannot be sent by email or electronically
- Understanding that any improper disclosure or use of confidential ERS survey information has serious negative consequences for Agency, staff and Agents.

Procedures for Gaining Access to Confidential Microdata

- Direct anyone interested in microdata from CIPSEA surveys to the appropriate survey manager or website to discuss their interests.
- Refer ERS staff and individuals from external organizations interested in accessing the restricted-use microdata to the ERS Data Custodian to apply for a data-use project agreement. No access will be permitted without an ERS-signed data-use project agreement.
- The ERS Data Custodian will arrange for CIPSEA training, collect the signed ERS confidentiality agreements, and provide or initiate access to the microdata.

Procedures for Gaining Access (cont.)

- Questions about a specific survey should be directed to the Survey Manager.
- General questions about CIPSEA and related confidentiality issues should be directed to the ERS Confidentiality Officer.
- Any suspected misuse of CIPSEA (or any other ERS survey information) should be reported to the ERS Confidentiality Officer and Survey Manager

References

- OMB CIPSEA Guidelines -
http://www.whitehouse.gov/omb/fedreg/2007/061507_cipsea_guidance.pdf
- USDA Privacy Policy -
http://www.usda.gov/wps/portal/usda/usdahome?navid=PRIVACY_POLICY

Question 1 of 9

Which statement(s) makes the sentence true?

USDA confidential information seen during work activities is protected...

- a. While employed at ERS or while using ERS protected data
- b. Unless subject to a FOIA request
- c. For life

Question 2 of 9

True or False.

Protecting confidential information includes never sharing or discussing it with anyone who is not authorized to have access to the information.

- a. True
- b. False

Question 3 of 9

Which statement(s) makes the sentence true? Confidential information includes_____ .

- a. Direct identifiers, such as name, address or social security number
- b. Indirect identifiers, such as race, occupation and education
- c. Biometric records, such as fingerprints or DNA
- d. All of the above

Question 4 of 9

The protection of USDA confidential information is required by

- a. The Privacy Act
- b. Title 7 U.S.C. 2276: Confidentiality of Information collected by USDA
- c. CIPSEA (Title V of the E-Government Act of 2002)
- d. All of the above

Question 5 of 9

If a breach of confidentiality occurs, which one of the following individuals should be notified within one hour?

- A) The Survey Manager.
- B) The ERS Confidentiality Officer.
- C) Both of the above.

Question 6 of 9

Which of the following is a requirement of USDA for CIPSEA-protected data?

- a. Ensure the information is used only for statistical purposes.
- b. Supervise and monitor all agents who have access to the information.
- c. Ensure annual training and recertification of Agents.
- d. All of the above

Question 7 of 9

Which of the following are possible penalties for willful disclosure of confidential information?

- a. Up to five years in prison
- b. A fine of up to \$250,000
- c. Both

Question 8 of 9

The CIPSEA pledge states that:

- a. The information you provide will be used for statistical purposes only.
- b. Your responses will be kept confidential
- c. By law, every ERS employee as well as every agent has taken the pledge of confidentiality.
- d. If an ERS employee or Agent discloses any identifiable information, he or she is subject to 5 years in jail and or a fine up to \$250,000.
- e. All of the above

Question 9 of 9

Which is true about Designated Agents?

- a. ERS/USDA decides whether to enter into an agreement.
- b. Contractors collecting data must be Designated Agents.
- c. Non-ERS researchers using confidential data must be Designated Agents.
- d. All of the above