

Policy Cover Sheet for U.S. Census Bureau Privacy Principles

Effective Date: Signed: April 2, 2003

Date Last Revised: April 6, 2006

Purpose: These Privacy Principles set the ethical standards for the U.S. Census Bureau's data collection, handling, and dissemination. They serve as the underpinnings for all Data Stewardship policies and as the basis for current and future practices.

Scope: The Privacy Principles apply to all phases of a project or activity (planning, design, collection, processing, dissemination, and archiving) involving censuses and surveys authorized by Titles 13 and 15, United States Code, for all types of economic, demographic, and decennial census data.

Policies and Procedures Impacted:

- ❑ ***Relationship to Mission:*** The Privacy Principles establish that all data collections must support the Census Bureau's mission and legal requirements.
- ❑ ***Relationship to Existing Policies, Relevant Laws and Regulations, and Procedures:*** The Privacy Principles are consistent with all relevant laws and regulations pertaining to Census Bureau activities. Further, they establish fundamental values that are consistent with accepted fair information practice principles, as well as professional ethical guidelines for survey research organizations (see references). All Census Bureau Data Stewardship policies support one or more of these principles. Current practices have been examined to ensure that they are consistent with these principles, and gaps between principles and current practices that were identified have been addressed by new Data Stewardship policies or are in the process of being addressed by policies or refinement of practices.

Responsibility for Implementation: The program area divisions that collect, process, and disseminate data from censuses and surveys are responsible for implementing the Privacy Principles in their data collection, processing, and disseminating activities. The Policy Office is responsible for ensuring Census Bureau-wide awareness of these Privacy Principles. The Data Stewardship Executive Policy Committee is responsible for reviewing the Privacy Principles periodically, with the assistance of its staff committees, and ensuring they are complete and that any gaps in current practice are being addressed.

Committee Responsible for Ensuring the Continued Efficacy of This Policy: The Privacy Policy and Research Committee (PPRC) is responsible for maintaining and updating the Privacy Principles, based on guidance from the Data Stewardship Executive Policy Committee.

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U.S. Census Bureau Privacy Principles

PURPOSE

These Privacy Principles support legal requirements while recognizing ethical responsibilities for the U.S. Census Bureau's data collection, handling, and dissemination. They serve as the underpinnings for all data stewardship policies and as the basis for current and future practices.

LEGAL AUTHORITIES

These Privacy Principles are consistent with fair information practice principles embodied in the *Privacy Act of 1974* and confidentiality protections legislated in Title 13, United States Code (U.S.C.). The *E-Government Act of 2002* and the Office of Management and Budget (OMB) Circular No. A-11, Exhibit 300, specifically mandate that Federal Agency Privacy Impact Assessments be completed before: (1) developing or procuring information technology that collects, maintains, or disseminates information that is in identifiable form, or (2) initiating a new collection of information that will collect, maintain, or disseminate information using information technology and includes information in an identifiable form permitting physical or on-line contacting of specific individuals or businesses.

SCOPE

These Privacy Principles apply to all life cycle activities (planning, design, collection, processing, dissemination, and archiving) involving censuses and surveys authorized by Titles 13 and 15, U.S.C., for all types of economic, demographic, and decennial data, and to administrative records supplied by source agencies.

BACKGROUND

The Census Bureau has determined the need to ensure that program decisions are consistent and responsive to the growing public concerns for privacy. While the Census Bureau adheres to legal requirements of Title 13, U.S.C., and the Privacy Act of 1974, situations may arise where the laws do not provide sufficient guidance and policies are needed. These policies reflect ethical considerations found in codes of professional ethics, as well as fair information practice principles like those proposed by the Department of Health, Education, and Welfare in the early 1970s (see references). These ethical guidelines encompass such issues as what types of work we should be doing, what we tell respondents about the Census Bureau's policies and practices, how we handle sensitive information and sensitive populations, and how we ensure confidentiality of the data.

The establishment of Privacy Principles also is consistent with the Census Bureau's Data Stewardship framework that recognizes the important role that legal and ethical requirements play in achieving program objectives. As the Census Bureau strives to collect high-quality data and make those data available for public use, it is reminded that only by building and maintaining public trust can it continue to meet its program

objectives. Other considerations for establishing these principles are the government's interests in protecting the rights of participants in federally funded research, as provided for by the Common Rule (protection of human research subjects, 15 CFR Part 27). In addition, the Census Bureau's new Privacy Impact Assessment program, as directed by OMB's budget process and the E-Government Act of 2002, requires an assessment of each program's impact on individual privacy through its life cycle from planning to archiving. A successful Privacy Impact Assessment depends upon a thoughtful and comprehensive set of privacy principles from which policies are established. The Census Bureau's Privacy Principles meet this need.

The Privacy Policy and Research Committee (PPRC) developed these principles in consultation with the Policy Office and other staff committees under the Data Stewardship Executive Policy (DSEP) Committee. A gap analysis was undertaken by comparing current practices with the proposed principles. Where gaps existed, project teams were formed to establish new policies to close the gaps or to recommend modifications to the principles. In some cases, research was recommended to evaluate the effects of proposed policy changes. Several new policies are in place and others will be proposed. The PPRC also compared all of the DSEP Committee policies to the principles to ensure consistency. In each case, the policies linked directly to one or more of the principles. The specific principles, as recently updated, and their corollaries are provided in the attachment to this policy.

POLICY

The Census Bureau complies with all federal legal requirements affecting the collection, handling, and dissemination of personal and business information. In addition, the Census Bureau believes that individuals and businesses have fundamental rights to be treated fairly and ethically when asked to provide their personal information to the government for statistical purposes. As a result, the Census Bureau hereby establishes the attached Privacy Principles as a statement of its commitment to responsibly collect and use information in its statistical programs.

IMPLEMENTATION

The program area divisions that collect, process, and disseminate data from censuses and surveys are responsible for implementing the Privacy Principles in their data handling activities. The Policy Office is responsible for ensuring Census Bureau-wide awareness of these Privacy Principles. The DSEP Committee is responsible for reviewing the Privacy Principles periodically, with the assistance of its staff committees, and ensuring they are complete and that any gaps in current practice are being addressed.

REFERENCES

U.S. Department of Health, Education, and Welfare, *Records Computers and the Rights of Citizens*, Report of the Secretary's Advisory Committee on Automated Personal Data Systems. DHEW No. (OS) 73-94. Washington, DC: U.S. Department of Health, Education, and Welfare, July 1973.

American Statistical Association, Ethical Guidelines for Statistical Practice, *Amstat News*, 1989 (154): 24-25.

Confidentiality, Disclosure, and Data Access: Theory and Practical Applications for Statistical Agencies, Pat Doyle, Julia Lane, Jules J. M. Theuwes and Laura Zayatz. eds. North-Holland, publisher, The Netherlands, 2001.

International Statistical Institute, Declaration of Professional Ethics, *International Statistical Review*, 1986 (54(2)): 277-242.

Panel on Confidentiality and Data Access, Committee on National Statistics, Commission on Behavioral and Social Sciences and Education, National Research Council and the Social Science Research Council, *Private Lives and Public Policies: Confidentiality and Accessibility of Government Statistics*, George T. Duncan, Thomas B. Jabine, and Virginia A. de Wolf, eds. Washington, DC: National Academy of Sciences, 1993.

Protecting Human Subjects. (1998). *Code of Federal Regulations*, Title 15, Subtitle A, Part 27.

U.S. House of Representatives, 107th Congress, 2nd Session. H. R. 2458. *E-Government Act of 2002*.

Office of Management and Budget Circular No. A-11, *Capital Asset Plan and Business Case*, Exhibit 300 Requirement.

Title 13, U.S.C.

Title 15, U.S.C.

DATE POLICY BECOMES EFFECTIVE: Upon Signature.

SIGNATURE:

_____/s/_____
Hermann Habermann
Chair, Data Stewardship Executive Policy Committee

____4/2/03____
Date

Revised: April 6, 2006

U.S. CENSUS BUREAU PRIVACY PRINCIPLES

- 1. Principle of Mission Necessity:** *The U.S. Census Bureau will only collect information that is necessary for meeting the Census Bureau's mission and legal requirements.*

Subprinciple 1 - The Census Bureau will only collect or acquire information about individuals and businesses that is necessary to meet its legal responsibility and fulfill its mission to provide timely, relevant, and quality data about the people and economy of the United States.

Subprinciple 2 - The Census Bureau will only engage in projects requiring data protected under Title 13, United States Code, if there is a clear benefit to Census Bureau programs.

Subprinciple 3 - The Census Bureau will only collect or acquire information on a reimbursable basis, or in exchange for products or services, if such collection or acquisition would be seen as being consistent with the Census Bureau's reputation of providing relevant statistical data for public policy and maintaining the public's trust.

Subprinciple 4 - The Census Bureau will ensure that it uses the data it obtains or collects only for statistical purposes and will advise the public of these limited uses.

- 2. Principle of Openness:** *The Census Bureau will be open about its programs, policies and practices to collect and protect identifiable data used to produce statistical information.*

Subprinciple 1 - The Census Bureau will make it easy to access information about what we collect and why, and provide opportunities for public comment prior to collecting new information.

Subprinciple 2 - When we collect information, respondents will be informed about the purpose, authority, reporting obligation, legal protections, and uses.

Subprinciple 3 - When we acquire and link identifiable records from other organizations as part of creating statistical products, we will be open about our activities and inform those supplying the records of proposed uses in order to confirm that they are permitted.

Subprinciple 4 - Once we have assured the confidentiality of the data, the Census Bureau does not attempt to control the uses or users of its products. Further, we release the identity of all requesters of custom data products and make those same products publicly available.

3. Principle of Respectful Treatment of Respondents: *The Census Bureau will be considerate of respondents' time and desire for privacy and will respect their rights as research participants.*

Subprinciple 1 - When we design our data collections, the Census Bureau will employ efficiencies to minimize respondents' time and effort.

Subprinciple 2 - The Census Bureau will engage only in legal, ethical and professionally accepted data collection practices.

Subprinciple 3 - The Census Bureau will request sensitive information from children and other sensitive populations only when it has determined that doing so will provide a clear benefit to the public good and will not violate federal protections of human research participants.

4. Principle of Confidentiality: *The Census Bureau will ensure that confidentiality protections are included in its procedures to collect, process, and release data.*

Subprinciple 1 - The Census Bureau will permit authorized users access to, and use of, only that confidential data needed to conduct their work in support of Census Bureau programs.

Subprinciple 2 - The Census Bureau will use appropriate and comprehensive physical and communications security measures when collecting, storing, and analyzing all legally protected information held by the Census Bureau.

Subprinciple 3 - The Census Bureau will use comprehensive disclosure avoidance techniques consistent with professionally acceptable standards before releasing data products derived from legally protected information.

Subprinciple 4 - Agencies supplying legally protected information to the Census Bureau will always be given the opportunity to review and approve either the proposed data releases or the disclosure methodology used to protect the data in order to ensure that the agencies' disclosure-protection requirements are met.