

CIPSEA at 15 Years: Benefits to Federal Statistics and Unmet Needs—Overview



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133rd Meeting of the Committee on National Statistics
Washington, DC • May 12, 2017

Legal Framework: Government-wide Laws

- Privacy Act of 1974
- Trade Secrets Act
- Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (Subtitle Title V of the E-Government Act, Public-Law 107-347)
 - CIPSEA only permits statistical uses of data collected under pledge of confidentiality
 - Many agencies lacked legal protection until CIPSEA

Legal Framework: Agency Specific Laws

- Some statistical agencies have confidentiality provisions in their organic statutes that may impose further restrictions on use of the information
 - For example: Census Bureau and Internal Revenue Service have additional restrictions

What is CIPSEA?

- Confidential Information Protection (Subtitle A)
- Purposes:
 - Strengthen and foster public trust in pledges of confidentiality
 - Prohibit disclosure in identifiable form
 - Control access to and uses made of statistical information
 - Ensure that information is used exclusively for statistical purposes

What is CIPSEA?

- Statistical Efficiency (Subtitle B)
- Purposes:
 - Reduce paperwork burden on businesses
 - Improve comparability of economic statistics
 - Increase understanding of the economy
- Allows sharing of business data among three designated statistical agencies, BLS, Census, and BEA
 - However, separate authorization for sharing federal tax information has not been passed

What are the Benefits of CIPSEA?

- Uniform protection across agencies
- Coverage of all data collected for statistical purposes under a pledge of confidentiality
- Strong penalty for disclosure: \$250,000 fine and/or 5 years in prison
- Exemption from FOIA requests
- Does not restrict or diminish any other confidentiality protections
 - Stronger or more restrictive provisions remain

OMB Implementation Guidance

- OMB formed an Interagency Team in 2003 to provide advice on Implementation Guidance
- Final Guidance published in *Federal Register* on June 15, 2007

OMB Implementation Guidance

Requirements:

- Inform respondents about the confidentiality protection and use of the information
- Collect and handle confidential information to minimize risk of disclosure, including properly training employees
- Insure information is used only for statistical purposes
- Review information to be disseminated to prevent identifiable information from being reasonably inferred by direct or indirect means
- Supervise any agents (e.g., researchers) who have access to confidential information

OMB Implementation Guidance

Statistical versus Nonstatistical Purposes

- Statistical purpose means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups
 - Includes development, implementation, or maintenance of methods or procedures to support these purposes
- Nonstatistical purpose means a use in identifiable form that affects the rights, privileges, or benefits of a respondent

OMB Implementation Guidance

- Under CIPSEA, a statistical agency or unit **may** designate as an agent any of the following:
 - 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;
 - Someone who is a self-employed researcher, a consultant, a contractor, or an employee of a contractor; or
 - Someone who is a contractor or an employee of a contractor, and who is engaged by the agency to design or maintain the systems for handling or storage of data received under this title.

OMB Implementation Guidance

Statistical Agencies

- An agency or organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes.
- OMB determines whether an agency or unit can be considered a statistical agency or unit for purposes of CIPSEA.

OMB Recognized Statistical Agencies or Units

- Bureau of Economic Analysis
- Bureau of Justice Statistics
- Bureau of Labor Statistics
- Bureau of Transportation Statistics
- Census Bureau
- Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration
- Economic Research Service
- Energy Information Administration
- Microeconomic Surveys Section, Federal Reserve
- National Agricultural Statistics Service
- National Animal Health Monitoring System, Animal and Plant Health Inspection Service
- National Center for Education Statistics
- National Center for Health Statistics
- National Center for Science and Engineering Statistics
- Office of Research, Evaluation, and Statistics, Social Security Administration
- Statistics of Income Division of the Internal Revenue Service

Today's Discussion Panels

Panel on Confidentiality Protection and Facilitation of Research

Eileen O'Brien, Energy Information
Administration

Charles Rothwell, National Center for Health
Statistics

William Wiatrowski, Bureau of Labor Statistics

Today's Discussion Panels

Panel on the Need for Data Synchronization

Dennis Fixler, Bureau of Economic Analysis

Erica Groshen, former Bureau of Labor
Statistics

John Thompson, U.S. Census Bureau

Panel on Confidentiality Protection and Facilitation of Research

1. What statutory authority did your agency have to protect the confidentiality of data that you collected or acquired prior to the passage of CIPSEA?
2. If you didn't have statutory authority, what did you do to try to protect the confidentiality of data that you collected?
3. How did your agency provide access to researchers for statistical purposes prior to being able to designate "agents" under CIPSEA?
4. How has implementing CIPSEA affected other aspects of your agency practices and culture, such as confidentiality training, disclosure review, interactions with external researchers, etc.
5. What enhancements, improvements, or changes to CIPSEA would you want to make if you could?

Panel on the Need for Data Synchronization

1. What data sharing activities has your agency been able to do under CIPSEA Subtitle B so far that you couldn't do before?
2. Have Subtitle A's protections allowed your agency to engage in other data sharing activities that you couldn't do before?
3. How would your agency benefit if the "data synchronization" legislation was passed, permitting access to federal tax data?
 - a) What could you do that you cannot do now?
 - b) Would this result in new statistical products? Greater efficiency and/or quality in producing existing products?
4. What other enhancements, improvements, or changes to CIPSEA would you want to make if you could?
5. Are there other legislative or regulatory changes that would be of major benefit to your agency to enable broader data sharing and access for exclusively statistical purposes?