

*Data Stewardship Executive Policy Committee*  
*Policy on*

**Controlling Non-Employee Access to Title 13 Data**

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**EXECUTIVE SUMMARY**

Title 13, United States Code (U.S.C.), Section 9 requires the U.S. Census Bureau to protect the confidentiality of respondent information. Therefore, no one can access such data – commonly referred to as “Census confidential data” -- unless he or she is authorized to do so under this title and is made subject to its confidentiality requirements.

Those who may access the data fall into two categories: (1) employees and (2) non-employees who receive Special Sworn Status (SSS). Title 13, U.S.C., Section 23(c), permits the Census Bureau to provide SSS to non-employees who help the Census Bureau carry out its work, by making them liable for penalties for unauthorized disclosure and use of protected information, just as employees are. Most non-employee access to Census confidential data takes place at Census Bureau facilities, which are operated and managed by Census Bureau employees. Occasionally, access takes place “off-site” – at a non-Census Bureau site, such as at a Census Bureau-approved secure location at another agency, university, or contractor’s facility. Under any of these scenarios, access to Census confidential data pursuant to Title 13, U.S.C., Section 23(c) is not a right. Access is discretionary on the part of the Census Bureau, which solely makes the determination under Section 23(c) when it is appropriate to confer SSS to assist the Census Bureau in performing work authorized by Title 13.

This policy establishes three project criteria and three individual/organizational criteria for determining if a non-employee should be given SSS. It also sets four additional criteria to be used by the Data Stewardship Executive Policy Committee (DSEP) in determining if a project can take place at a non-Census Bureau facility, if needed.

**PURPOSE**

The purpose of this policy is to establish criteria and procedures for determining when it is appropriate to confer SSS on an individual for purposes of working with Census confidential data and when it is appropriate for access to those data to take place at a non-Census Bureau site or facility. In so doing, this policy enhances guidance provided by the Privacy Principle for Confidentiality, by establishing clear criteria for Census Bureau staff. The implementation of the policy also will permit the Census Bureau to closely monitor how many SSS people are working for the agency, where they are located, and what they are working on.

## **LEGAL AUTHORITIES**

The chief legal authority governing non-employee access to Census confidential data is Title 13, U.S.C.:

- ❑ Section 9 requires the Census Bureau to protect the confidentiality of respondent information
- ❑ Section 23(c) permits the Census Bureau to provide SSS to non-employees who help the Census Bureau carry out its work, by making them liable for penalties for unauthorized disclosure of protected information, just as employees are
- ❑ Section 214 (as updated) provides the penalties for unauthorized disclosure – a fine of up to \$250,000 or a jail term of up to 5 years or both.

Non-employees are also subject to the Privacy Act of 1974 and the Office of Management and Budget's (OMB) Circular A-130, which provide for confidentiality and informed consent in data collection activities.

## **SCOPE**

This policy applies to all new and existing projects involving individuals with SSS. It covers all non-employees accessing data protected by Title 13, U.S.C., Section 9, for all types of economic, demographic, and decennial projects and activities. It does not apply to foreign trade data, collected under Title 13, U.S.C., Section 301 or to data collected under Title 15, U.S.C. Furthermore, it does not apply to those with "incidental access" to Census confidential information – i.e., those who have authorized access to a Census Bureau secure site but do not have authority to access Title 13 data, such as guards or delivery persons.

## **BACKGROUND**

The Census Bureau has used SSS persons throughout its program areas for a wide number of tasks, including:

- ❑ Contracting for persons with skills in areas for which recruiting has been a problem
- ❑ Arranging for firms to carry out tasks requiring special space, equipment, location, or turnaround, which would be too costly for the Census Bureau to develop on its own
- ❑ Permitting survey sponsors to participate in program development and assessment to ensure higher quality results from reimbursable surveys
- ❑ Providing access to Census confidential data for academic researchers with specific expertise, for purposes of analyzing and improving current data sets and methods.

Although the Census Bureau has made valuable use of the SSS authority for many years, there has not been any systematic accounting or monitoring of how many SSS people are accessing data at any given point in time and for what specific purposes. This was emphasized when the Internal Revenue Service (IRS) asked for a count of SSS accessing federal tax information (FTI). The Census Bureau was unable to provide a count in a timely manner, given that our records did not distinguish access to federal tax information from access to census data. Furthermore, without centralized tracking, some areas had not updated their rolls to reflect removal of SSS persons whose access to the data had already expired.

As a result of this and other problems that emerged from the IRS Safeguard Review, the Census Bureau has developed an Administrative Records Tracking System or ARTS, that provides a means of tracking and generating reports on SSS people working with administrative records (incorporated FTI) and their projects. This policy complements that work by providing a means to better identify and track **all** SSS persons, in particular those who do not have access to administrative records.

In response to growing privacy concerns that emerged from the 2000 decennial census and the desire to further refine Privacy Principle 4, however, this policy sets out to do more than yield a count of SSS people; it spells out criteria for deciding if a person should be given SSS, based on an assessment of the project, the individual, and the person's organization.

## **POLICY**

Attachment A provides a glossary of terms for this policy. Attachment B presents an overview of the approval process. It identifies where the criteria are applied (darkened boxes) and the effective flow of the project involving SSS people. The specific criteria to be applied are presented below.

### **Criteria That Must Be Met Before Conferring SSS**

In order for an individual to qualify for SSS, the *project* must:

- ❑ Require access to Census confidential data
- ❑ Benefit the Census Bureau's Title 13 programs – see *Title 13 Criteria Handbook*
- ❑ Be a viable project
  - ❑ Be feasible within the time constraints and with the proposed data
  - ❑ In the case of access to administrative records, abide by any use restrictions specified in agreements with source agencies – see ARTS<sup>1</sup>
  - ❑ Be able to adhere to Census Bureau disclosure requirements

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<sup>1</sup> The Administrative Records Tracking System maintains and tracks all users of administrative records at the Census Bureau. Any proposed project involving administrative records must be entered into the ARTS, which contains all underlying agreements for administrative records acquired by the Census Bureau.

- ❑ Be consistent with the Census Bureau's Privacy Principles – see *Census Bureau Privacy Principles and Subprinciples*

In addition, the **individual** and the **organization** with which he/she is affiliated must:

- ❑ Have a good track record for handling sensitive or confidential data
- ❑ Have no identified conflict of interest in dealing with the Census Bureau – i.e.,
  - ❑ No **real** conflict of interest from having taken an oath or pledge that conflicts with the Title 13 pledge of confidentiality – e.g., the IRS oath; or
  - ❑ No **real** or **perceived** conflict of interest – i.e.,
    - ❑ Financial – a representative from a company who might use his access to the data to produce results that are biased; someone who might use the data to benefit his employer
    - ❑ Personal – a family member who is related to the Census Bureau project decision maker; a previous close collaborator who recommends approval of an External research project
    - ❑ Partisan – an individual or organization that displays partisan political or issues advocacy motives
- ❑ Pass the background investigation for SSS candidates – see Form BC-1759(ef).

Projects involving individuals or organizations with a **real** conflict of interest will be denied; those with a **perceived** conflict of interest must be approved by the DSEP – e.g., individuals who work for an enforcement or regulatory agency or credit bureau personnel who could raise perception concerns if they are provided access to Census confidential data.

If a project and associated people meet the above criteria, SSS may be conferred. In most cases, the SSS individual is going to access the Title 13 data at a Census Bureau facility. Then, such access must occur according to the *Policies and Procedure Manual S-5 Information Security (handbook)* which spells out procedures to ensure adequate protection during the period of access.

### **Criteria That Must Be Met Before Off-Site Access May Occur**

Off-site access depends, in part, on which of the five project types is involved (Attachment A provides additional information):

- ❑ **Internal** – projects authorized by Title 13, U.S.C., operated and managed by Census Bureau employees (including SSS people who are covered by the Intergovernmental Personnel Act Mobility Program). These projects are generally funded by Census Bureau appropriated funds.

- ❑ **Joint** – projects with a Title 13 purpose, to which both the Census Bureau and another participating federal statistical agency or unit contribute confidential data and resources. Work is jointly managed and access can -- though it is not required to -- take place at both agencies.
- ❑ **Reimbursable** – projects for which the Census Bureau receives reimbursement, in whole or in part. For purposes of this policy, reimbursable projects are limited to those projects carried out under the authority of Title 13, U.S.C.
- ❑ **External** – projects with a predominant Title 13 purpose that are proposed by academic, governmental, nonprofit, and for profit organization researchers, approved by the Census Bureau using the existing Center for Economic Studies (CES) Project Review procedures<sup>2</sup>, and carried out by the non-employees at a Census Bureau site – usually at the CES Office at Census Bureau HQ or at a Census Bureau Research Data Center (RDC) – under Census Bureau supervision.
- ❑ **Oversight** – projects to oversee or audit some aspect of Census Bureau operations, carried out by an organization with specific legal authority to conduct oversight activities, such as the General Accounting Office or an agency from which the Census Bureau obtains confidential administrative records data.

External projects must be carried out at a Census Bureau facility. Internal, Reimbursable and Oversight projects also should occur at a Census Bureau facility, but the DSEP may grant exceptions. Requests for exceptions must meet the criteria set forth, as follows<sup>3</sup>:

- ❑ Provide a technical/logistical advantage (acceptable interpretations of these criteria provided in Attachment C) *and*
- ❑ Meet the Required Security Models for Off-site Access (see Attachment D) *and*
- ❑ In the case of a governmental agency or organizational unit, have legal or regulatory functional separation of the data collected for statistical purposes<sup>4</sup> *and*
- ❑ Obtain DSEP approval prior to any major commitment of resources.

Under some circumstances, a Joint project may require SSS individuals to access the data at the partner's location. Such access will be granted by the DSEP if the criteria noted above are met.

If the DSEP approves off-site access for an Internal, Reimbursable, Oversight or Joint project, such access must occur according to the Attachment D and the Policies and

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<sup>2</sup> See <http://www.ces.census.gov/ces.php/home>.

<sup>3</sup> Projects involving access to files with personal identifiers on them will undergo special scrutiny before off-site access is permitted.

<sup>4</sup> The one exception to this rule is to permit off-site access for selected Joint projects carried out at the Social Security Administration (SSA). Although the SSA's functional separation is in practice, not in law or regulation, this exception is made in view of the SSA's more than 30-year history of protecting Title 13 data and the integral role that SSA data play in ongoing Title 13 programs.

Procedures Manual S-5 Information Security (handbook), which spells out procedures to ensure adequate protection during the period of access.

## **IMPLEMENTATION**

### **❑ Responsibilities for Implementation**

Implementation of this policy involves a number of areas of the Census Bureau, but application of the criteria begins in the program area Divisions, when the project is initially conceived. The process is designed to permit the program area Divisions to approve projects involving SSS persons. However, it provides for elevating any project involving off-site access to the DSEP. Further, it ensures that the DSEP is consulted before any legal, financial, or other formal arrangements are made, even though – in an open competition contracting environment – the organization and individuals may not yet be identified.

If a project involves access at a Census Bureau facility to Title 13 data only, it can be approved using the Division's existing decision making authority. (All External projects must undergo CES Project Review, for approval purposes.) If it involves administrative records, the standard Administrative Records Project Review approval is required next. (See the *Administrative Records Handbook*, Section 3, for directions on how to proceed.)

Once the program area Division has assessed a need for and defined the project, the Project Contact is responsible for ensuring that each of the following areas is consulted regarding the project:

- ❑ The Acquisition Division – if a *Form CD-435: Procurement Request* is involved
- ❑ The Budget Division – if a reimbursable agreement or Miscellaneous Obligation Agreement is involved (Unfunded interagency agreements go through the Office of Analysis and Executive Support.)
- ❑ The Anti-Terrorism Branch, Office of Security – if the project involves changes to or a new physical location
- ❑ The Information Technology Security Office – if the project involves access to the network or to electronic data
- ❑ The Counter-Espionage Branch, Office of Security – for all SSS people
- ❑ The Office of Analysis and Executive Support (OAES) – if the project involves off-site access and must obtain DSEP concurrence.

Each area is responsible for applying the respective criteria from this policy.

The Contracting Officer's Technical Representative (COTR) – or, if there is no COTR, the Project Contact in the program areas – is responsible for maintaining accurate information about the SSS person and his/her project in the Commerce Business System (CBS). The Administrative and Management Systems Division is responsible for maintaining the CBS modules. OAES is responsible for generating

reports from the CBS on SSS for the DSEP and for ensuring that the policy is properly implemented and carried out.

❑ **Implementation and Awareness Strategies**

OAES, in conjunction with the Workforce Development Branch, Human Resources Division, and the Communications Directorate will conduct an introductory information session on the policy in late Summer 2002. The session will be targeted at Division Chiefs, Branch Chiefs, Project Contacts and COTRs. The session will provide an overview of the policy and basic information on how to implement it. A job aide will be provided to help the participants apply the policy.

Subsequent training sessions will be targeted to those areas that have specific implementation roles, such as the Acquisition Division and the Counter-Espionage Branch, OSY. These sessions will focus specifically on the steps for implementing the policy in the particular area being targeted. In addition, the Acquisition Division has established a new series of Acquisition Awareness seminars that will disseminate information about these procedures as they relate to the acquisition process.

Eventually a more general DSEP policies awareness series will be developed that will focus on the role of the DSEP and highlight this policy and others. This latter approach will be used to refresh awareness and reach out to new Project Contacts, along with full documentation that will reside on the OAES Intranet site.

OAES will issue a campaign implementation guide, which will provide further details. Compliance with the procedures specified in the guide is part of compliance with this policy.

**REFERENCES**

Information Technology Security Office, U.S. Census Bureau (2001), *Policies and Procedures Manual S-5 Information Security (handbook)*, internal documentation, January 2001.

Policy Office, U.S. Census Bureau (2001), *Administrative Records Handbook*, internal documentation, May 2001.

**DATE POLICY BECOMES EFFECTIVE:** July 31, 2002

**SIGNATURE:**

Signed \_\_\_\_\_  
John H. Thompson  
Chair, Data Stewardship Executive Policy Committee

July 16, 2002 \_\_\_\_\_  
Date

**DATE UPDATED:** October 16, 2002

## **ATTACHMENTS**

- Attachment A – Glossary of Terms for Controlling Non-employee Access Policy
- Attachment B – Summary Flow of Non-employee Access Policy Implementation
- Attachment C – Justification Criteria for Off-site Non-employee Access to Title 13 Data
- Attachment D – Required Security Models for Off-site Non-employee Access to Title 13 Data
- Attachment E – Proposal Template for Requests for Off-site Access to Title 13 Data for the Data Stewardship Executive Policy Committee



## **Glossary of Terms for Controlling Non-employee Access Policy**

**Administrative Records** – Administrative records and administrative records data refer to microdata records contained in files collected and maintained by administrative (i.e., program) agencies and commercial entities. Government and commercial entities maintain these files for the purpose of administering programs and providing services. Administrative records are distinct from systems of information collected exclusively for statistical purposes, such as those the U.S. Census Bureau produces under the authority of Titles 13 or 15 of the United States Code (U.S.C.). For the most part, the Census Bureau uses, and seeks to use, administrative records developed by federal agencies. To a lesser degree, it may use information from state, local, and tribal governments, as well as from commercial entities.

**Administrative Records Project Review** – Administrative Records Project Review refers to the review process that has been established to assess projects involving the use of administrative records. Steps for submitting a proposal and receiving approval via the Administrative Records Tracking System are fully detailed in the *Administrative Records Handbook*. Because data acquisition agreements may specify special conditions under which a data set may be used, it is important to ensure that all projects involving administrative records pass through the Administrative Records Project Review.

**Business Entity** – This policy applies both to person data and business entity data. A business entity may be an enterprise, legal entity, or an establishment.

**Census Bureau Facility** – A Census Bureau facility is a location that is operated and managed by Census Bureau staff -- not contractors -- although contractors or other Special Sworn Status (SSS) individuals may work at the facility. Current Census Bureau facilities include the Suitland Federal Center buildings; the Bowie Computer Center; the National Processing Center; the telephone centers;; the Regional Offices; and each of the Research Data Centers. During the decennial census, Local Census Offices opened to carry out data collection and processing were also considered Census Bureau facilities. Census Bureau facilities meet physical and Information Technology (IT) security requirements for a secure environment.

**Census Confidential** – “Census confidential” data are data protected from disclosure under Title 13, U.S.C., Section 9. (Note: Foreign trade data are collected under the authority of Title 13, U.S.C., Section 301 and provide for exemptions in the National interest not permitted under Section 9.)

**Confidentiality** – Confidentiality prohibits the dissemination of data in a manner that would allow public identification of the respondent or would in any way be harmful to him/her and provides that the data are immune from legal process. The Census Bureau applies disclosure review criteria, as defined or recognized by the Disclosure Review Board (DRB), to reduce the risk of authorized disclosure of confidential data. (Note that this permits other units of the Census Bureau to set criteria that exceed those of the DRB, but they may not set criteria that provide less protection than the thresholds and disclosure limitation techniques that the DRB would endorse.)

For Census confidential data, confidentiality also ensures that the data will be used only for statistical purposes.

**Conflict of Interest** – A conflict of interest is an irreconcilable difference between the interests and official responsibilities of a person in a position of trust. For purposes of this policy, we have identified several different types of conflicts of interest – both real and perceived. These include:

- ❑ Direct conflicts due to having taken an oath that contradicts the Census Bureau Oath of Nondisclosure
- ❑ Financial conflicts
- ❑ Personal relationship conflicts
- ❑ Organizational conflicts
- ❑ Partisan conflicts

All but the first may be either real or perceived. For purposes of this policy, projects involving persons with perceived conflicts of interest require approval from the Data Stewardship Executive Policy Committee (DSEP) before they can be finalized. Conflict of interest determinations regarding the individual are generally assessed as part of the background investigation; determinations about the organization are generally assessed as part of the contract review process. The CES also assesses conflict of interest as part of the project review process for External projects.

**Contract** – A contract is a mutually binding legal relationship obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them. Simplified acquisitions are contracts for less than or equal to \$100,000; if the amount to be paid is more than \$100,000, the agreement is called a contract.

**Disclosure Requirements** – Disclosure requirements are the steps taken to mitigate the risk that information about an individual respondent can be identified. Disclosure limitation procedures commonly used at the Census Bureau include rounding, minimum cell sizes, cell suppression, and data swapping. The DRB can review data products prior to public release to ensure that they meet the current guidelines for data protection.

**Economy Act** – The Economy Act (31 U.S.C. 1535) provides authority for placement of orders between major organizational units within an agency. Each Economy Act order accompanies a reimbursable agreement and includes a completed Form BC-505A. Each agreement must include a Determination and Finding (D&F), prepared by the sponsoring agency. For more information, see <http://www.arnet.gov/far/farqueryframe.html>.

**Employees** – Employees are individuals who work directly for the Census Bureau, usually for salary or wages.

**Existing Projects** – Existing projects are current and ongoing projects for which the scope, status (e.g., one-time or cyclical), methodology, data linkage strategies, data sets, or data uses have not changed. An existing project does not have to undergo assessment under this policy unless it experiences one or more of the above mentioned changes. A new SSS person can be added to an existing project by assessing the individual, but not the project.

**External Projects** – External projects have a predominant Title 13 purpose and are proposed by academic or governmental researchers, approved by the Census Bureau, and carried out by the non-employees under SSS at a secure Census Bureau site – usually at the CES or at an RDC – under Census Bureau supervision.

**Foreign Trade Data** – Foreign Trade data are data collected under the authority of Title 13, U.S.C., Section 301 and includes “information pertaining to exports, imports, trade, and transportation relating thereto, as [the Secretary] 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.”

Foreign Trade data are out of scope for this policy, because they not covered by Section 9 confidentiality. Instead, Section 301(g) exempts from public disclosure all export data unless the Secretary determines that an exemption would be contrary to the National interest.

**Functional Separation** – Functional separation refers to separating the use of information about an individual for a research or statistical purpose from its use in arriving at an administrative or other decision about that individual. Title 13, U.S.C., Section 9 requires the Census Bureau to use data are collected for statistical purposes only.

**Good Track Record --** Good track record applies to the past performance of individuals and their organizations. It includes their experience in handling sensitive or confidential data. Most of the time, this information is collected as part of the contract process and background investigation. If an individual seeking access to Census confidential data has previously had access to other sensitive or confidential data without incident, that is an indicator of the likelihood that the individual can be trusted to access Title 13 data.

In assessing the organization, the Census Bureau looks at the overall agency or organization, as well as a specific unit of that organization, if that unit has features that are germane to the assessment – e.g., an individual works for an agency with regulatory functions, but holds a position in a statistical unit of the agency with functional separation and a history of handling sensitive data. The Census Bureau may decide that his track record with sensitive data outweighs any perceived concerns about providing data to a person from an agency with regulatory functions.

**Incidental Access** – Incidental access refers to accessible non-employees who do not have authorized access to Title 13 data, but do have access to a facility where Title 13 information resides – i.e., library contractors; cafeteria staff, and the maintenance repair persons. In addition, individuals such as software and systems development personnel may also have incidental access, if they do not require access to Title 13 data to carry out their work.

For purposes of this paper, we consider non-employees with incidental access out of scope. They do not have to be assessed according to the policy's criteria to determine if they can obtain SSS; they must simply meet the requirements specified by the Counter-Espionage Branch, Office of Security.

**Individual** – For purposes of this policy, the individual is the person who will be given Special Sworn Status. Certain information about this person is collected to assess the risk of permitting him or her to access Title 13 data.

**Internal Projects** – Internal projects are authorized by Title 13, U.S.C., organized and managed by Census Bureau employees, including those at the Census Bureau under the Intergovernmental Personnel Act Mobility Program. These projects are generally funded by Census Bureau appropriated funds. Decennial operations, including the Local Update of Census Addresses (LUCA) project, program design and evaluation work, computer programming and systems development are all examples of Internal projects.

**Joint Projects** – Joint projects are projects that have a Title 13 purpose, to which both the Census Bureau and the other participating federal statistical agency contribute confidential data and resources. Work is jointly managed and access can – though it is not required to – take place at both agencies. The Census Bureau's current arrangements for mutual access to confidential data with the Social Security Administration and the Bureau of Labor Statistics are examples of Joint projects.

**Memoranda of Understanding** – Memoranda of Understanding or MOUs are agreements between agencies that involve an exchange of goods or services without the exchange of funds. The MOU spells out the details of the arrangement, including the expectations and obligations of each party; the data involved, if any; and start and end date of the agreement.

**Miscellaneous Obligation Agreements** – Miscellaneous Obligation Agreements or MOAs are agreements between the Census Bureau and another entity – often another Federal agency – for goods or services. Under MOAs, the Census Bureau provides the funds for the goods or services. For example, the Census Bureau pays a fee to the National Science Foundation in return for NSF coordination of the Digital Government Initiative.

**New Projects** – New projects are subject to the Census Bureau review and approval process described in this policy. A project is considered new if:

- ❑ It is an original idea for a project that has not already been approved.
- ❑ It is an approved project for which the scope, status (i.e., goes from one-time to cyclical), methodology, data linkage strategies, data sets, or data uses change.

**Non-employees** – Non-employees, for purposes of this policy, are individuals who work for or carry out services for an entity or individual other than the Census Bureau and who do not receive salary or benefits directly from the Census Bureau. In accordance with Title 13, U.S.C., Section 23(c), non-employees who are authorized to access Census confidential data must first take the Oath of Nondisclosure, swearing to protect the confidentiality of the data and acknowledging that they are subject to penalties for unauthorized disclosure and use.

**Oath of Nondisclosure** – Title 13, U.S.C., Section 9(a)(3) states that persons who are permitted to examine individual reports must be sworn officers and employees of the Department or bureau or agency. The text for the Oath of Nondisclosure that is given to all new employees and SSS staff is on the *Form BC-1759: Special Sworn Status*.

**Off-site Access** – For purposes of this policy, off-site access is access to Title 13 data that takes place at a non-Census Bureau facility – e.g., at another agency, a university, or a contractor's site. In all cases, the off-site location must be a Census Bureau-secure site, meaning it meets minimum requirements for safe access to Title 13 information.

**Organization** – For purposes of this policy, the organization is the place where the person who will be given Special Sworn Status works. Certain information about this person's organization is collected to assess the risk of permitting him or her to access Title 13 data.

**Organization Criteria** – By law, the Census Bureau may provide SSS only to an individual, not to the organization with which he/she is affiliated. Hence, all access belongs to the SSS individual, not his organization. However, in assessing conflict of interest and security, it is important to look at the organization, as well as the individual – especially if the access is going to take place off-site.

**Oversight Projects** – Oversight projects oversee or audit some aspect of Census Bureau operations, carried out by an organization with specific legal authority to

conduct oversight activities, such as the General Accounting Office or an agency from which the Census Bureau obtains confidential administrative records data.

**Personal or Business Identifiers** – Personal and business identifiers are labels or codes that identify one and only one individual or business entity, including:

- ❑ Individual/householder/contact names or business entity name, name of the parent company, or names of business officials within the company
- ❑ Social Security Numbers or Employer Identification Numbers
- ❑ Inmate identification numbers
- ❑ Identified numbers assigned to individuals or business entities by a company or government agency, such as an account number.

Also included are addresses, e-mail addresses, and telephone numbers assigned to individuals or businesses or shared by a few individuals or businesses, but only when these are associated with characteristics of the individuals or businesses linked to this information. For instance, addresses with the associated demographics of the household members are defined as personal identifiers, even though they are not specifically linked to the householder's name. This qualification is designed to recognize that individuals may be identified through easily known references. Similar examples hold true for business entities.

**Privacy Principles** – Privacy refers to an individual's right to safeguard his own information. The Census Bureau's four overarching Privacy Principles are:

1. **Principle of Mission Necessity:** The Census Bureau will only collect information that is necessary to achieve the Census Bureau's mission and legal requirements.
2. **Principle of Informed Consent:** The Census Bureau will ensure that participants in data collection activities are informed about the purpose and planned statistical uses of the information collection.
3. **Principle of Protection from Unwarranted Intrusion:** The Census Bureau will respect respondents' rights to decide the conditions of their voluntary participation in surveys and will respect their rights as 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.

All Census Bureau activities should be governed by these four Principles.

**Project** – A project is a set of activities that has a distinct mission and clear starting and ending points. A project has a life cycle that proceeds from conception to planning, execution, and termination. There is generally a single point of contact for each project. A project is often part of a broader program and is a building block in the design and execution of program goals. Dependent relationships may exist

between projects. For example, one project may require output from another. Finally, projects may be directly attributed to accounts in the Census Bureau's accounting structure; e.g., Conduct 2001 Current Population Survey.

**Project Contact** – A Project Contact is the Census Bureau employee who will be responsible for managing or overseeing a project in which non-employees will have access to Title 13 data. The Project Contact for:

- ❑ Internal, Joint, and Reimbursable projects is a staff person in the program area Division sponsoring the project
- ❑ External projects is a staff person at the CES
- ❑ Oversight projects is the staff person coordinating the oversight arrangements.

**Reimbursable Agreements** – Reimbursable agreements are agreements between the Census Bureau and another entity – often another Federal agency – for goods or services. Under Reimbursable Agreements, the other entity pays the Census Bureau, in whole or in part, for the goods or services. For example, another agency might pay the Census Bureau to conduct a survey, or collect data through an existing survey, based on a Title 13 frame. The Reimbursable agreement spells out the expectations, schedule, and products of the arrangement for both parties.

Reimbursable agreements must be accompanied by a Form BC-505A and a Determination and Findings statement, per the Economy Act. For the form, see [http://cwww.census.gov/bud/reimbursable\\_work/pdf/bc505a.pdf](http://cwww.census.gov/bud/reimbursable_work/pdf/bc505a.pdf); for information on the Economy Act statement, see <<http://www.arnet.gov/far/farqueryframe.html>>.

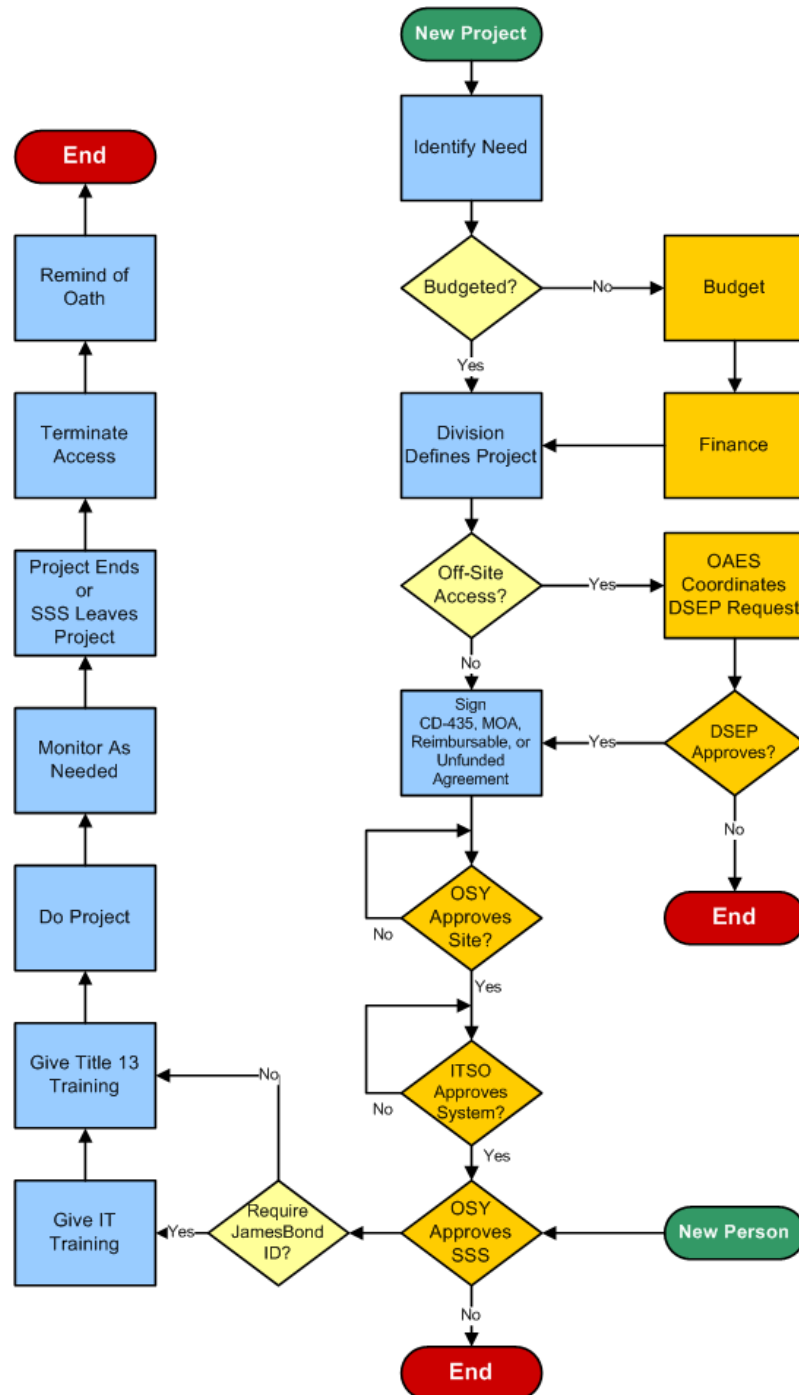
**Reimbursable Projects** – Reimbursable projects are projects for which the Census Bureau receives payment in whole or in part. For this policy, reimbursable projects are limited to those projects carried out under the authority of Title 13, U.S.C.

**Simplified Acquisitions** – Simplified Acquisitions are small dollar amount contracts – i.e., mutually binding legal relationships obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them. Simplified acquisitions are contracts for less than or equal to \$100,000; if the amount to be paid is more than \$100,000, the agreement is called a contract.

**Special Sworn Status** – Special Sworn Status is the designation given to non-employees who are given the Oath of Nondisclosure in order to access Census confidential data in support of Title 13 programs. SSS is authorized by Title 13, U.S.C., Section 23(c), which permits the temporary staff to be sworn to observe the limitations imposed by Title 13, U.S.C., Section 9. (See Oath of Nondisclosure.)

**Training** – The training referred to in this policy will include the computer-based training modules for Title 13 data and IT security (and, if applicable, for Title 26 data) that are developed to reinforce the protection of the data. Some of this training already exists and some is yet to be developed.

## Summary Flow of Non-employee Access Policy Implementation Steps





## **Justification Criteria for Off-site Non-employee Access to Title 13 Data**

Off-site access to Title 13 data by non-employees is limited by the U.S. Census Bureau's policy for Non-employee Access to Title 13 Data. As specified in the policy, some exceptions may be considered if there is a technical justification for carrying out the project at a non-Census Bureau location. Furthermore, off-site access must be approved by the Data Stewardship Executive Policy Committee (DSEP).

This document defines what is meant by a technical justification to take Title 13 data off-site. It identifies criteria for determining technical requirements, logistical requirements, and cost considerations. These criteria -- either alone or in combination with each other -- must be met to justify off-site access to Title 13 data by non-employees.

### **Technical Requirements**

The following are technical requirements that would justify off-site access to Census confidential data:

- ❑ The project requires ongoing access to a continuously updated database maintained at the off-site location, rather than a one-time or limited number of accesses
- ❑ Production scheduling requirements (including differences imposed by different time zones) can be met most effectively at an off-site location, whereas setting up the project at a Census Bureau facility would adversely impact the schedule (this includes the need for quick turnaround, but is not intended to accommodate poor planning)
- ❑ Special hardware/software is required that the Census Bureau does not have and it is not feasible to purchase
- ❑ Data from the off-site location require a stricter level of security than the Census Bureau provides and it is not feasible to upgrade the Census Bureau's security to that level

### **Logistical Requirements**

The following are logistical issues that would justify off-site access to Title 13 data:

- ❑ The project requires the use of extensive physical space or access to transportation infrastructure that does not exist at Census Bureau facilities and could be provided at the off-site location -- e.g., the decennial census questionnaire printing operations

- ❑ The project requires participation by individuals across the Nation, e.g., the Census 2000 Local Update of Census Addresses (LUCA) project
- ❑ The project involves multiple people at the off-site location -- e.g., a unit of people with special expertise -- and bringing them to a Census Bureau facility is not feasible.
- ❑ The project involves access by SSS individuals for data collection efforts in overseas areas, e.g., to conduct censuses and surveys in outlying territories or for counting Americans living overseas.
- ❑ The project involves Oversight auditing activities at an off-site location.

### **Cost Considerations**

Off-site access also may be justified in terms of cost considerations. Here the Census Bureau assesses the costs of carrying out the project both at the Census Bureau and at the off-site location and compares the costs to determine cost effectiveness. Cost, alone, may serve as a technical justification for off-site access if it would be *cost prohibitive* to carry out the work at the Census Bureau and if the Title 13 data do not include personal or business identifiers. If personal or business identifiers are involved, the DSEP will require other technical/logistical justifications, as well.

In determining costs, consider the following items:

- ❑ Direct costs – hardware, software, facility space, additional security (if needed) to cover the required security model, etc.
- ❑ Program costs -- including an on-site Census Bureau employee, in some cases
- ❑ Personnel costs -- including travel, per diem, etc., if applicable
- ❑ Support costs – including Telecommunications Office costs, to set up the telecommunications network; physical security, to approve the site; and the Information Technology Security Office's costs, for maintaining and assuring security at the site – e.g., staff travel and time to conduct audits
- ❑ Any non-recoupable costs that are project-specific and cannot be used for/applied to other program work

### **Caveat**

In addition to these technical criteria, no project will be approved for off-site access if it cannot meet the requirements set out for the required security models – see Attachment D.

## **Required Security Models For Off-site Non-employee Access to Title 13 Data**

The required security models establish the security provisions for off-site access to Title 13 data. These provisions vary, depending on the extent to which security practices can be expected to meet existing U.S. Census Bureau requirements for safeguarding and protecting Census confidential data. For this policy, the models distinguish among three organizational profiles, based on the type of organization that owns and operates the site that will be used to access Title 13 data – Executive Branch of the Federal Government, Private Sector Contractors, or University-based Independent Researchers. The Information Technology Security Office (ITSO) will identify the appropriate security model for other types of organizations not explicitly described here.

***Note: The required security model applies to Internal, Reimbursable, Joint and Oversight projects. Exceptions to the policy for off-site access will not be considered for External projects; these projects must take place at a Census Bureau facility.***

### **Organizational Profiles**

These security provisions will be implemented in an increasingly more protective manner, depending on the type of organization at which off-site access will occur. For detailed instructions on security requirements, see the Policies and Procedure Manual S-5 Information Security (handbook).

- ❑ **Executive Branch Agency of the Federal Government**
  - ❑ Establish close contact with the off-site security officers to confirm physical and IT security protections (Federal statistical agencies have comparable security requirements.)
  - ❑ Establish a security plan
  - ❑ Establish a set of requirements for systems level, file level, printing, and deletions auditing
  - ❑ Require the statistical agency security staff to train the individuals with Special Sworn Status (SSS), providing details on Title 13-specific restrictions (Training modules being developed.)
  - ❑ Place a Census Bureau employee at the off-site location if the risk and magnitude of the project warrant direct oversight
  - ❑ Carry out one scheduled site visit and one or more surprise site visits each year

❑ **Private Sector Contractors**

- ❑ Establish close contact with the off-site security officers to confirm physical and IT security protections
- ❑ Establish a security plan
- ❑ Bring security staff to a Census Bureau facility for special training before the project begins
- ❑ Train all SSS individuals involved in the project prior to turning over the data to reinforce that the data are confidential and require special treatment
- ❑ Establish a Thin Client computing environment, if feasible – i.e., data are maintained at the Census Bureau and accessed remotely electronically; uses can be tracked by Census Bureau staff
- ❑ Disable disk drives and removable media, unless they are required for the project
- ❑ Place a Census Bureau employee at the off-site location if the risk and magnitude of the project warrant direct oversight
- ❑ Carry out at least one site visit (whether scheduled or unannounced) per year

❑ **University-Based Independent Researchers<sup>1</sup>**

- ❑ Establish a security plan
- ❑ Train all SSS individuals involved in the project prior to turning over the data to reinforce that the data are confidential and require special treatment
- ❑ Require SSS individuals working on long-term projects to repeat SSS training every six months, to reinforce the importance of following security requirements
- ❑ Require a stand-alone computer (or a thin client environment, if cost effective)
- ❑ Disable disk drives so that data cannot be downloaded
- ❑ Adopt ITSO-identified requirements to minimize risks associated with printing
- ❑ Place a Census Bureau individual at the off-site location if the risk and magnitude of the project warrant direct oversight
- ❑ Carry out at least one site visit (either scheduled or unannounced) per year

## **Noncompliance**

The Chief, ITSO, should be alerted immediately about any noncompliance with established security procedures by any individual at an off-site location. Penalties for noncompliance will depend on the seriousness of the violation, ranging from correction of the issue to suspension of access rights for the project. If noncompliance continues, the Chief, ITSO, in consultation with the Chief, OAES, will assign stricter penalties, which may, depending on the act of noncompliance, terminate all access to Title 13 data at that site. Project Contacts may appeal such termination to Data Stewardship Executive Policy Committee, which will hear both sides of the issue and make a final ruling.

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<sup>1</sup> The preferred security models distinguish between academic researchers who the Census Bureau contracts with to carry out work in support of Title 13 programs (Internal projects) and academic researchers who approach the Census Bureau with a proposal to carry out research that has benefits for the Census Bureau's programs (External projects). Internal projects may be carried out off-site, if they meet the technical and security criteria and receive DSEP concurrence for off-site access. External projects must take place at a Census Bureau facility.

## Required Security Model for Off-site Access to Title 13 Data

Security Control	Federal Executive Br Agency	Private Sector Contractor	Academic/ Independent Researcher
1. Establish close contact w/ off-site security office.....	X	X	X <sup>1</sup>
2. Establish security plan.....	X	X	X
3. Establish requirements for system, file, print auditing .....	X		
4. Establish Thin Client environment ...		X	X <sup>2</sup>
5. Establish stand-alone computer.....			X
6. Disable disk drives to prevent Downloading, unless required by project .....		X	X
7. Train off-site security staff at the Census Bureau/give data .....	X <sup>3</sup>	X	X <sup>1</sup>
8. Train SSS individuals at the Census Bureau/give data .....	X <sup>3</sup>	X	X
9. Bring SSS individuals to Census Bureau for refresher training .....			X
10. Carry out one scheduled visit/yr.....	X	X	X
11. Carry out surprise visit .....	X	X	X
12. Place a CB employee off-site, if the risk and magnitude of the project warrants direct oversight .....	X	X	X

<sup>1</sup> Many universities do not have security offices comparable to an agency or business entity. However, if available, these items apply.

<sup>2</sup> If cost effective.

<sup>3</sup> Training may take place at the off-site location if it is not feasible to bring all SSS individuals to the Census Bureau.

**Proposal Template for Requests for Off-site Access to Title 13 Data  
for the  
Data Stewardship Executive Policy Committee**

*According to the Non-Employee Access to Title 13 Data policy (July 2002), all projects involving off-site access to Title 13 data require prior approval by the Data Stewardship Executive Policy Committee (DSEP). Off-site access is defined as access to Title 13 data that takes place at a non-Census Bureau facility – e.g., a contractor site or university. (For purposes of this policy, the Center for Economic Studies’ Research Data Centers are not considered off-site access.) This template provides information needed by the DSEP to assess a project that involves such off-site access by non-employees with Special Sworn Status (SSS). Only Internal, Joint, Reimbursable, and Oversight projects will be considered for off-site access and, then, only if they meet all other criteria spelled out in the above-mentioned policy.*

*This template should usually be completed before a specific contractor has been selected. In that case, please be as specific and detailed as possible in responding to the questions. If you have any questions about how to complete this template, please contact the Office of Analysis and Executive Support for direction.*

**GENERAL INFORMATION**

**Division:**

**Point of Contact:**

Contracting Officer’s Technical Representative’s (COTR) name or Project Contact from sponsoring program area Division

**Project Title:**

**Project Description:**

Provide a brief description of the project.

**Type of Project:**

Indicate which of the following types describes this project:

- ☐ **Internal** – projects authorized by Title 13, U.S. Code, contracted for, and managed by Census Bureau employees (including those projects at the Census Bureau under the Intergovernmental Personnel Act (IPA) Mobility Program)

- ❑ ***Joint*** – projects with a Title 13 purpose, to which both the Census Bureau and another participating federal statistical agency or unit contribute confidential data and resources; work is jointly managed and access can – though is not required to – take place at both agencies.
- ❑ ***Reimbursable*** – projects for which the Census Bureau receives reimbursement in whole or in part. For purposes of this policy, reimbursable projects are limited to those projects carried out under the authority of Title 13, U.S.C.
- ❑ ***External*** – projects with a predominant Title 13 purpose that are proposed by academic, governmental, nonprofit, and for-profit organization researchers, approved by the Census Bureau using the existing Center for Economic Studies (CES) Project Review procedures, and carried out by the non-employees at a Census Bureau site – usually at Census Bureau Headquarters or at a Research Data Center – under Census Bureau supervision. **Off-site access is prohibited for External projects.**
- ❑ ***Oversight*** – projects to oversee or audit some aspect of Census Bureau operations, carried out by an organization with specific legal authority to conduct oversight activities, such as the General Accounting Office or an agency from which the Census Bureau obtains confidential administrative records data.

#### **Type of Access:**

Indicate which of the following types of access will take place while the project is off-site: (Select all that will apply.)

- ❑ ***Direct Access to Title 13 Data***
- ❑ ***Direct Access to Title 13 and Title 26 (Internal Revenue Service) Data*** (Note: Title 26 data may not be taken off-site without specific prior IRS concurrence.)
- ❑ ***Ancillary Access*** by persons who have system-wide access, but do not have a need to see to specific files – e.g., system administrators
- ❑ ***Incidental Access*** refers to non-employees who do not have authorized access to Title 13 data, but do have access to a facility where Title 13 information resides – e.g., guards, cafeteria workers, copier repair persons, foreign visitors, persons from other agencies attending a meeting at the site, surveys sponsors observing interviewer training.

#### **Type of Data Being Accessed:**

Provide a general response to this question – e.g., CPS, Decennial, Linked SIPP and IRS, Survey of Manufactures, SAIPE; it is not necessary to specify the exact data set.

**Location Where Data Will Be Accessed:**

**Start Date of Project:**

**Projected End Date of Project:**

**Date of Extension (if Applicable):**

### **CRITERIA QUESTIONS**

*Answer each of the following questions in narrative format. Consideration of this template assumes that the project conforms with the rest of the Non-employee Access criteria. Questions 1-4, below, must be answered in the affirmative or off-site access will not be approved.*

1. Can the project's technical requirements be better met at another organization's facility than at the Census Bureau? Please describe how this is the case, referencing the following criteria.
  - ☐ *The project requires ongoing access to the partner's continuously updated database, rather than a one-time or limited number of accesses*
  - ☐ *Production scheduling requirements (including differences imposed by different time zones) can be met most effectively at an off-site location, whereas setting up the project at a Census Bureau facility would adversely impact the schedule (this includes the need for quick turnaround, but is not intended to accommodate poor planning)*
  - ☐ *Special hardware/software is required that the Census Bureau does not have and it is not feasible to purchase*
  - ☐ *Data from the off-site location require a stricter level of security than the Census Bureau can provide and it is not feasible to upgrade the Census Bureau's security to that level*
  - ☐ *The project requires the use of extensive physical space and/or access to transportation infrastructure that does not exist at Census Bureau facilities and could be provided at an off-site location*
  - ☐ *The project requires participation by individuals across the Nation*



- ❑ *The project involves multiple people at the off-site location, e.g., a technical unit of people with special expertise, participating in the project and bringing them all to a Census Bureau facility is not feasible.*
  - ❑ *The project involves access by SSS individuals for data collection efforts in overseas areas, e.g., to conduct censuses and surveys in outlying territories or for counting Americans living overseas.*
2. Is the cost to conduct the project at the Census Bureau prohibitive? Please provide some cost data to support this response. In making any comparison to the off-site costs, be sure to consider:
- ❑ *Direct costs – hardware, software, facility space, additional security costs (if needed to cover the required security model, etc.*
  - ❑ *Program costs -- including a Census Bureau employee, in some cases*
  - ❑ *Personnel costs -- including travel, per diem, etc., if applicable*
  - ❑ *Support costs – including Telecommunications Office costs, to set up the telecommunications network; physical security, to approve the site; and Information Technology Security Office costs, for maintaining and assuring security at the site – e.g., staff travel and time to conduct routine audits*
  - ❑ *Any non-recoupable costs that are project-specific and cannot be used for/applied to other program work*

Note: If the project involves records with personal identifiers (person or business identifiers that are labels or codes that identify one and only one individual or business entity, e.g., name or Social Security Number), then cost alone does not justify taking the data off-site – other technical justifications are required, as well.

3. If the off-site location is a Federal agency, does the agency have legal or regulatory functional separation between its uses of data collected for statistical purposes and its enforcement or administrative uses of data?
4. Has the Information Technology Security Office and the Office of Security determined that the other site can meet the Required Security Model? See the required security models for offsite non-employee Access to Title 13 Data (Attachment D), for minimal security requirements.
5. What are the chief benefits of the project for the off-site organization?

6. Is this project likely to be extended or to lead to other projects requiring off-site access?

## APPROVALS

The Program Area Division Chief responsible for the project must sign below, indicating if he/she approves the project.

- ☐ Approve – proceed as indicated below.
- ☐ Tentative Approval, Subject to Further Revision -- revise and resubmit for approval
- ☐ Disapprove – DO NOT forward to DSEP

If the project is approved and

- ☐ It involves administrative records, the Division Chief must sign the form below and send the template forward for Administrative Records Project Review.
- ☐ No administrative records are involved, the Division Chief must signed below; then, the template should be forwarded to the Chief, OAES, for review by the staff team leaders and for concurrence by the DSEP.

*No project involving off-site access to Title 13 data is approved until the DSEP has approved the project. Formal, legal, or financial arrangements must not be made until approval has been granted.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date