

**T**he Bureau of Labor Statistics (BLS) is strongly committed to protecting the confidentiality of information provided by respondents and to ensuring that it is used only for statistical purposes. This pledge of confidentiality means that only BLS employees and agents, such as contract employees or employees of State agencies working on statistical programs under BLS agreements, will ever have access to your information. The limitations on use of the data to statistical purposes means that BLS will combine your information with information from other respondents to produce descriptions, estimates, and analyses regarding the state of the economy without identifying the individual information you have provided.

This pamphlet explains the laws and policies that protect information provided by respondents to the Bureau of Labor Statistics.

Please contact the  
Bureau of Labor Statistics  
with any questions or comments.

(202) 691-7628 or  
Pledge@bls.gov



Protection of Confidential  
Respondent Information

## **LEGAL PROTECTIONS**

Respondents to BLS surveys enjoy the protection of a number of federal laws that

ensure that confidential information is kept secure.

### **Confidential Information Protection and Statistical Efficiency Act of 2002**

(CIPSEA) (44 U.S.C. 3501 Note) states that information acquired by the BLS for exclusively statistical purposes under a pledge of confidentiality must be used by BLS employees and agents for statistical purposes only. CIPSEA further states that any BLS employee or agent, who knowingly and willfully discloses identifiable respondent information to someone not authorized to receive it, is subject to imprisonment for not more than 5 years and fines of not more than \$250,000, or both.

### **Trade Secrets Act**

(18 U.S.C. 1905) provides that the United States government may not disclose the confidential statistical data of any person, firm, partnership, corporation, or association. Any government employee charged with violation of this Act could be discharged, fined, and imprisoned.

### **Privacy Act**

(5 U.S.C. 552a (b)) prohibits a Federal agency from disclosing information about an individual without the written consent of that individual. In accordance with the Privacy Act, the BLS holds all personal identifiers such as names, addresses, and social security numbers in confidence.

### **Workforce Investment Act of 1998**

(29 U.S.C. 491-2(a)(2)) provides that employment data submitted to BLS for exclusively statistical purposes be held in

confidence. This Act further provides that confidential employment data maintained by BLS is immune from the legal process.

### **Freedom of Information Act exemption 3**

(5 U.S.C. 552(b)(3)) excludes “records that are specifically exempted from disclosure by statute.” CIPSEA specifically exempts from disclosure records acquired for exclusively statistical purposes under a pledge of confidentiality.

### **Freedom of Information Act exemption 4**

(5 U.S.C. 552 (b)(4)) excludes “records that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.” This includes all business establishment data collected by the BLS under a pledge of confidentiality.

### **Freedom of Information Act exemption 6**

(5 U.S.C. 552(b)(6)) excludes “personal. . . files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” This applies to all data on individuals collected by BLS under a pledge of confidentiality.

### **Federal Information Security Management Act**

(FISMA) (44 U.S.C. 3541) imposes a mandatory set of information security processes and controls which must be followed by all information systems used or operated by a Federal government agency or by a contractor or other organization on behalf of a Federal government agency. BLS complies with all enacted Federal controls, as promulgated in guidance from National Institute of Standards and Technology (NIST), to securely house and transfer information, and regularly audits and monitors those controls.

### **Federal Statistical Confidentiality Order**

(published by the Office of Management and Budget on June 27, 1997 at 62 Federal Register 35,043) establishes a consistent government

policy protecting the privacy and confidentiality interests of respondents who provide information to Federal statistical programs.

## **BLS CONFIDENTIALITY POLICY**

The BLS has established policies to ensure that survey respondent’s confidential information is protected.

**Commissioners Order No. 1-06, Confidential Nature of BLS Statistical Data** (September 21, 2006) provides that data collected or maintained by, or under the auspices of, the BLS for exclusively statistical purposes and under a pledge of confidentiality shall be treated in a manner that will ensure that individually identifiable data will be used for statistical purposes only and will be accessible only to authorized persons.

**BLS Administrative Procedure No. 2-05, Responsibility for Safeguarding Confidential Information** (May 13, 2005) provides instructions and guidelines to BLS employees and agents on the proper procedures for handling and safeguarding confidential information.

**Secretary’s Order No. 16-2006, Invoking Governmental Privileges** (November 9, 2006) delegates to the Commissioner of Labor Statistics authority to invoke claims for special governmental privileges to protect from disclosure in the case of litigation information provided to the BLS under a pledge of confidentiality.