

Note to Reviewer of 1220-0079

Following OMB's approval and the BLS' issuing of the 2013 LMI Cooperative Agreement (CA), a policy change resulted in CA revisions which eliminated the BLS non-disclosure agreement and replaced it with a Pre-release Access Certification Form. The BLS is now seeking approval of the revised language so the CA can be reissued to State participants. The changes are described below, organized by Part and Section of the CA.

PART I., ADMINISTRATIVE REQUIREMENTS

Section S., Confidentiality

Previously the 2013 LMI CA required individuals with access to pre-release information to sign a non-disclosure agreement. This agreement has been replaced with a Pre-release Access Certification Form. In addition to the form, its instructions also have been added to the CA.

Section S., Confidentiality

- S.2.a.vi. – The following language has been added, “prior to their scheduled release to the public,” replacing, “prior to their official date and time of release by the BLS.”
- S.3.b. – This section has been changed to reflect the addition of the Pre-release Information Certification Form and now reads as follows:
 - The State agency agrees that pre-release information such as official BLS estimates and other official BLS statistical products will not be disclosed or used in an unauthorized manner before its scheduled release to the public, and will be accessible only to authorized persons. Authorized persons are State employees designated as “authorized agents” of the BLS (defined in section 4) or State employees that have been approved for access to BLS pre-release information as certified by the State Cooperating Representative. This provision does not affect the ability of the State agency to publish State estimates (even if the estimation is done by BLS staff) before BLS publishes.

PART II., APPLICATION INSTRUCTIONS

Section C., Instructions

- C.6.a. – The general guidelines have been revised to reflect the use of the Pre-release Access Certification Form and now read:
 - The purpose of the BLS Certification Form is for the State Cooperating Representative to certify that persons with advance access to BLS pre-release information are aware of their responsibilities for ensuring compliance with BLS confidentiality policies regarding handling of pre-release information. This agreement is intended for signature by the State Cooperating Representative only to certify that the individuals listed in the attachment to the certification form are authorized to have advance access to BLS pre-release information and have indicated their understanding and acceptance of the conditions for access to BLS pre-release information.
- C.6.b. – The instructions have been revised to reflect the use of the Pre-release Access Certification Form and now read:
 - C.6.b.1. – Each State Cooperating Representative should provide the BLS with a list of individuals with a need to see pre-release information, including the name, State government affiliation, and title of each individual. This list will serve as attachment A of the Pre-release Access Certification Form.
 - C.6.b.2. – Each individual named on the list above must be fully informed of their responsibilities and obligations for handling BLS pre-release information either in writing or verbally.
 - C.6.b.3. – The State Cooperating Representative is responsible for forwarding to their respective BLS regional office the list of individuals authorized advance access to BLS pre-release information and the signed Pre-release Access Certification Form.
 - C.6.b.4. – The BLS regional office is responsible for maintaining on file the signed original copies of all Certification Forms from their respective SWAs.
 - C.6.b.5. – The BLS Pre-release Certification Form signed by the State Cooperating Representative is in effect so long as the list of authorized persons is accurate. A new certification must be made

each time a new individual is added to the list of authorized persons. The new individual should be appended to the list and the list should be re-certified. At the time of modification, individuals who no longer need-to-know this information should be dropped from the list.

PART III., APPLICATION MATERIALS

The Pre-release Information Access Certification Form has been added. In addition the document that was previously the non-disclosure agreement form has been modified to be used as a briefing document for the BLS State Cooperating Representative to use in informing each State employee that will have access to the pre-release information of the requirements for handling pre-release information.