

## Business Knowledge/Perceptions of EIA Efforts to Protect Confidentiality

### Potential Protocol Questions

1. In general, how much do you trust the Federal Government when it comes to the privacy and confidentiality of your information?
  - a. What, if any, Departments or agencies in particular, other than EIA, do you trust?
  - b. Are there any that you distrust?
2. The term “confidentiality” means different things in different contexts.
  - a. Can you tell me in your own words what “confidentiality” means to you?
  - b. What kinds of information about your business would you like to be kept “confidential”?
3. How well do you believe EIA protects the confidentiality of the information you report, including:
  - a. Hard files submitted by mail or fax and stored in offices?
  - b. Digital files submitted by email or online portal and stored on servers?
    - i. Are you satisfied with the data security that EIA applies to protect your data from unauthorized access by data intruders and hackers?
4. How satisfied are you with EIA’s efforts to protect your data from being publicly disclosed?
5. What do you know about what EIA does to protect the confidentiality of the information you report?
  - a. To what extent has this been explained to you by EIA?
6. The data collected on most EIA surveys is protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA).
  - a. Are you familiar with FOIA?
  - b. Are you familiar with this EIA pledge?
  - c. Can you tell me in your own words what this statement means to you?
  - d. How confident are you that your data will be protected under this pledge?
7. The data collected on many EIA surveys are protected by “disclosure limitation methodologies” ?
  - a. Are you familiar with this term?
  - b. Can you tell me in your own words what this term means to you?
  - c. How confident are you that your data will be protected by EIA applying a “disclosure limitation methodology” ?
8. The data collected on some EIA surveys is protected by the Confidential Information Protection and Statistical Efficiency Act, commonly referred to as CIPSEA, which restricts the government’s use of your reported information to statistical uses only and imposes strict penalties, fines, and prison sentences for government employees who intentionally make unauthorized disclosures of company level data without your permission.
  - a. Have you ever heard of CIPSEA?
  - b. In your own words, what does CIPSEA mean?
  - c. Do you know if the data you submitted to EIA is protected by CIPSEA?
  - d. Would you prefer if the data you submitted to EIA was protected by CIPSEA?

9. As mentioned, under CIPSEA, data can only be used for statistical purposes.
  - a. What does this mean to you?
  - b. What do you think EIA does with data when using it only for statistical purposes?
    - i. To what extent has this been explained to you?
  - c. Do you believe that your data remains protected when EIA uses it for statistical purposes?
  - d. How concerned are you that EIA data tables could be used to identify an individual company?
    - i. Should EIA make sure the data in the tables can't be used to identify a company?
10. EIA has a legal obligation to share energy data with other departments in the Federal government.
  - a. Were you aware of this legal obligation?
  - b. Do you have any concerns with sharing your confidential data with other departments in the Federal Government?
  - c. Compared to EIA, how confident are you that other federal agencies can protect your energy data?
11. Some of the other federal agencies use EIA data for regulatory or administrative purposes.
  - a. Do you have any concerns with your confidential data being used for regulatory or administrative purposes by other departments in the Federal Government?
12. EIA allows researchers at universities working on approved EIA projects that advance economic and social science research to have access to company level data. This data is used only for statistical research purposes.
  - a. What concerns, if any, do you have with EIA sharing your data with researchers at universities?
13. For a number of reasons, the trend within departments in the Federal Government is toward keeping less data confidential.
  - a. How comfortable would you be with EIA making more company level data publicly available on its website?
14. Do you have other concerns on confidentiality you would like to tell EIA about?
  - a.

**SUMMARY OF FINDINGS FROM LITERATURE RESEARCH**  
**Outline of Supporting Literature on Public Perception of the Ability of Federal Statistical Agencies to Keep Information Confidential**

**Public Trust and Confidence in Government and Federal Statistical Agencies**

1. Respondents have become more concerned about privacy and confidentiality.<sup>1, 2, 3, 4</sup>
2. Trust in government has dropped.<sup>5, 6</sup>
  - Public trust in the government remains near historic lows, just 24% say they can trust the government in Washington to do what is right just about always or most of the time; far more (75%) say they trust government only some of the time or never.<sup>7</sup>
  - How concerned are you that some of the info you share on social networking sites might be accessed by the government without your knowledge? Very/somewhat concerned: 71%<sup>8</sup>
  - 80% of adults “agree” or “strongly agree” that Americans should be concerned about the government’s monitoring of phone calls and internet communications.<sup>9</sup>
  - Americans lack confidence that they have control over their personal information. This pervasive concern applies to everyday communications channels and to the collectors of their information —both in the government and in corporations<sup>10</sup>
  - How confident are you that your records at these companies will remain safe and private?
    - o Government agencies: 55% Not too confident/not at all confident<sup>11</sup>
  - Over the past few years, BLS field economists and economic assistants have reported an increase in anti-government sentiment.<sup>12</sup>
  - How much do you trust the government in Washington to do what is right?
    - o 2010: 34%, Almost Never<sup>13</sup>
    - o 2000: 21%, Almost Never<sup>14</sup>
    - o 1995: 19%, Almost Never<sup>15</sup>
3. Trust in and regard for the work of federal statistical agencies has dropped.<sup>16</sup>
  - However, it’s scary to think that about **a third** of the public generally think we are not competent, not honest, and won’t keep their information confidential.<sup>17</sup>
  - Reported Belief in Honesty of Federal Statistical Agencies<sup>18</sup>
    - o 50% agree
    - o 40% disagree
    - o 10% neither
  - Respondent trust of the Census from CBAMS II<sup>19</sup>
    - o 60% trust Census
    - o 24% don’t trust
    - o 16% neither
  - Respondent trust of the Census from CBAMS<sup>20</sup>
    - o 67% trust Census
    - o 25% don’t trust
    - o 7% neither
  - In your opinion, how concerned is your company about providing business data to each of the following (Not at all Concerned, Somewhat Concerned, Very Concerned, Extremely Concerned)<sup>21</sup>
    - o Federal statistical agencies: 29.3% very or extremely concerned.

4. Respondents don't think federal statistical agencies will keep their information confidential.<sup>22</sup>
  - However, it's scary to think that about a **third** of the public generally think we are not competent, not honest, and won't keep their information confidential.<sup>23</sup>
  - Reported Belief in that Federal Statistical Agencies Keep Data confidential<sup>24</sup>
    - o 45% trust
    - o 45% don't trust
    - o 10% neither.
  - The Census Bureau's promise of confidentiality can be trusted, from CBAMS II<sup>25</sup>
    - o 79% strongly agree/agree
    - o Cynical, 50% strongly agree/agree
    - o Suspicious, 64% strongly agree/agree
  - The Census Bureau's promise of confidentiality can be trusted, from CBAMS<sup>26</sup>
    - o 76% strongly agree/agree
    - o Cynical fifth, 50% strongly agree/agree
  - How much would it bother you if your answers to the census were not kept confidential?
    - o 2010: 49%, A lot<sup>27</sup>
    - o 2000: 47%, A lot<sup>28</sup>
    - o 1995: 37%, A lot<sup>29</sup>
  - The 2000 census had a more negative short-term effect on trust in confidentiality than the 1990 census.<sup>30</sup>
  - "The Census Bureau promise of confidentiality cannot be trusted"- increased 3.6% over data collection period.<sup>31</sup>
  - Do you think the Census Bureau does or does not protect the confidentiality of this information, or are you not sure?<sup>32</sup>
    - o 25% believe protects confidentiality
    - o 9% does not protect
    - o 66% not sure.
  - I believe federal statistical agencies keep data provided by businesses confidential.<sup>33</sup>
    - o 61.6%

### **Motivating Factors**

1. Generally respondents don't have a clear understanding of the term "confidentiality", though knowledge level has increased over time.<sup>34, 35, 36</sup>
2. Respondents in a number of studies believed that information is freely shared between agencies, despite any assurances of confidentiality.<sup>37, 38, 39</sup>
  - Do you trust the Census Bureau not to give other government agencies information identified by name and address?
    - o 2010: 43%, No<sup>40</sup>
    - o 2000: 32%, No<sup>41</sup>
    - o 1995: 35%, No<sup>42</sup>
  - Concern over information sharing between agencies has increased over time.<sup>43</sup>
3. Government can't keep it's word on confidentiality
  - Respondents believed that even if an agency has an official policy of confidentiality, hackers can access these computers from outside and steal data that everyone thinks are protected.<sup>44, 45, 46</sup>

- Bureaucratic incompetence and the perceived tendency of large organizations to cover up lapses in protection.<sup>47, 48</sup>
- 4. Respondents expressed fear that information they give government could ultimately be used against them.<sup>49, 50, 51</sup>
- 5. The public is most likely to respond favorably to statistical studies involving their personal information when they understand the uses and potential benefits of the studies.<sup>52, 53</sup>
- 6. Business respondents tend to place more importance on reporting burden than on concerns for the confidentiality of the information they report, as much of the data they report tends to be publicly available anyway.<sup>54, 55</sup>

### **Impacts**

1. Concerns about privacy and confidentiality have a small but statistically significant effect in survey response rates.<sup>56, 57, 58, 59</sup>
2. If a respondent doubts that the government will keep their data confidential, they may simply not provide this information.<sup>60, 61</sup>
3. As trust falls the public starts to believe the government shouldn't have the data at all, promise of confidentiality doesn't matter.<sup>62, 63</sup>

- <sup>1</sup> House, C. (2014). More Transparency? It's Not Clear! Presentation at the Federal Committee on Statistical Methodology's December Policy Conference. Washington, DC.
- <sup>2</sup> Westin, A. (2003). Social and Political Dimensions of Privacy. *Journal of Social Issues*, 59(2): 431-453.
- <sup>3</sup> Madden, M. (2014). Public Perceptions of Privacy and Security in the Post-Snowden Era. Pew Research Center: Washington, DC.
- <sup>4</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>5</sup> House, C. (2014). More Transparency? It's Not Clear! Presentation at the Federal Committee on Statistical Methodology's December Policy Conference. Washington, DC.
- <sup>6</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>7</sup> Pew Research Center. (2014). Public Trust in Government: 1958-2014. Washington, DC. Available: <http://www.people-press.org/2014/11/13/public-trust-in-government/>
- <sup>8</sup> Madden, M. (2014). Public Perceptions of Privacy and Security in the Post-Snowden Era. Pew Research Center: Washington, DC.
- <sup>9</sup> Rainie, L. (2015). Networked Privacy in the Age of Surveillance, Sousveillance, Coveillance. Harvard University - "Privacy in a Networked World" Workshop. Cambridge, MA.
- <sup>10</sup> Madden, M. (2014). Public Perceptions of Privacy and Security in the Post-Snowden Era. Pew Research Center: Washington, DC.
- <sup>11</sup> Rainie, L. (2015). Networked Privacy in the Age of Surveillance, Sousveillance, Coveillance. Harvard University - "Privacy in a Networked World" Workshop. Cambridge, MA.
- <sup>12</sup> Nardone, T. (2013) COPAFS Remarks. Council of Professional Associations on Federal Statistics Quarterly meeting, December 2013. Washington, DC.
- <sup>13</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>14</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>15</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>16</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>17</sup> Nardone, T. (2013) COPAFS Remarks. Council of Professional Associations on Federal Statistics Quarterly meeting, December 2013. Washington, DC.
- <sup>18</sup> Childs, J.H. (2013). Trust in Federal Statistics and the Statistical Use of Administrative Records. Council of Professional Associations on Federal Statistics Quarterly meeting, December 2013. Washington, DC.
- <sup>19</sup> ICF Macro. (2012). Census Barriers, Attitudes, and Motivators Survey II (CBAMS II) Final Report. 2010 Census Planning Memoranda Series: No. 205. U.S. Census Bureau. June 26, 2012.
- <sup>20</sup> Macro International, Inc. (2009). Census Barriers, Attitudes and Motivators Survey: Analytical Report. 2010 Census Integrated Communication Research Memorandum Series: No.11. U.S. Census Bureau. May 9, 2009.
- <sup>21</sup> Greenia, N., Jensen, J.B. & Lane, J. (2001a). Business Perceptions of Confidentiality. In Doyle, P., Lane, J, Zayatz, L. & Theeuwes, J. (eds.) Confidentiality, Disclosure and Data Access: Theory and Practical Applications for Statistical Agencies, North Holland.
- <sup>22</sup> Singer, E. (2003). Census 2000 Testing, Experimentation, and Evaluation Program Topic Report No.1, TR-1, Privacy Research in Census 2000, U. S. Census Bureau, Washington, DC, 20233.
- <sup>23</sup> Nardone, T. (2013) COPAFS Remarks. Council of Professional Associations on Federal Statistics Quarterly meeting, December 2013. Washington, DC.
- <sup>24</sup> Childs, J.H. (2013). Trust in Federal Statistics and the Statistical Use of Administrative Records. Council of Professional Associations on Federal Statistics Quarterly meeting, December 2013. Washington, DC.
- <sup>25</sup> ICF Macro. (2012). Census Barriers, Attitudes, and Motivators Survey II (CBAMS II) Final Report. 2010 Census Planning Memoranda Series: No. 205. U.S. Census Bureau. June 26, 2012.
- <sup>26</sup> Macro International, Inc. (2009). Census Barriers, Attitudes and Motivators Survey: Analytical Report. 2010 Census Integrated Communication Research Memorandum Series: No.11. U.S. Census Bureau. May 9, 2009.
- <sup>27</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>28</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>29</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.

- <sup>30</sup> Martin, E. (2006). Privacy Concerns and the Census Long Form: Some Evidence from Census 2000. Research Report Series (Survey Methodology #2006-10). U.S. Census Bureau: Washington, DC.
- <sup>31</sup> Prewitt, K. (2011). Why It Matters to Distinguish Between Privacy & Confidentiality. *Journal of Privacy and Confidentiality* 3(2):41-47.
- <sup>32</sup> Singer, E., et al. (2001). Final Report on the 1999-2000 Surveys of Privacy Attitudes. Census 2000 Testing, Experimentation and Evaluation Program. U.S. Census Bureau: Washington, D.C.
- <sup>33</sup> Greenia, N., Jensen, J.B. & Lane, J. (2001a). Business Perceptions of Confidentiality. In Doyle, P., Lane, J, Zayatz, L. & Theeuwes, J. (eds.) *Confidentiality, Disclosure and Data Access: Theory and Practical Applications for Statistical Agencies*, North Holland.
- <sup>34</sup> Gerber, E. and Landreth, A. (2007). Respondents' Understandings of Confidentiality in a Changing Privacy Environment. *Survey Methodology* #2007-37, Statistical Research Division, U.S. Census Bureau: Washington, D.C.
- <sup>35</sup> Singer, E. (2003). Census 2000 Testing, Experimentation, and Evaluation Program Topic Report No.1, TR-1, Privacy Research in Census 2000, U. S. Census Bureau, Washington, DC, 20233.
- <sup>36</sup> Singer, E., et al. (2001). Final Report on the 1999-2000 Surveys of Privacy Attitudes. Census 2000 Testing, Experimentation and Evaluation Program. U.S. Census Bureau: Washington, D.C.
- <sup>37</sup> Smirnova, M. and Scanlon, P. (in press). Saving Money for Roads and Schools: Cultural Determinants of Trust.
- <sup>38</sup> Gerber, E. (2003). Privacy Schemas and Data Collection: An Ethnographic Account. Census 2000 Testing, Experimentation, and Evaluation Program, Statistical Research Division, U.S. Census Bureau: Washington, DC.
- <sup>39</sup> Willimack, D.K. (2001). Business Perceptions of Confidentiality and Their Attitudes toward data Sharing among Federal Statistical Agencies. U.S. Census Bureau, Washington, D.C.
- <sup>40</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>41</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>42</sup> Singer E., Bates, N., Van Hoewyk, J. (2011). Concerns about Privacy, Trust in Government, and Willingness to Use Administrative Records to Improve the Decennial Census. AAPOR 2011.
- <sup>43</sup> Singer, E., et al. (2001). Final Report on the 1999-2000 Surveys of Privacy Attitudes. Census 2000 Testing, Experimentation and Evaluation Program. U.S. Census Bureau: Washington, D.C.
- <sup>44</sup> Smirnova, M. and Scanlon, P. (in press). Saving Money for Roads and Schools: Cultural Determinants of Trust.
- <sup>45</sup> Gerber, E. and Landreth, A. (2007). Respondents' Understandings of Confidentiality in a Changing Privacy Environment. *Survey Methodology* #2007-37, Statistical Research Division, U.S. Census Bureau: Washington, D.C.
- <sup>46</sup> Gerber, E. (2003). Privacy Schemas and Data Collection: An Ethnographic Account. Census 2000 Testing, Experimentation, and Evaluation Program, Statistical Research Division, U.S. Census Bureau: Washington, DC.
- <sup>47</sup> Smirnova, M. and Scanlon, P. (in press). Saving Money for Roads and Schools: Cultural Determinants of Trust.
- <sup>48</sup> Gerber, E. and Landreth, A. (2007). Respondents' Understandings of Confidentiality in a Changing Privacy Environment. *Survey Methodology* #2007-37, Statistical Research Division, U.S. Census Bureau: Washington, D.C.
- <sup>49</sup> Smirnova, M. and Scanlon, P. (in press). Saving Money for Roads and Schools: Cultural Determinants of Trust.
- <sup>50</sup> Martin, E. (2006). Privacy Concerns and the Census Long Form: Some Evidence from Census 2000. Research Report Series (Survey Methodology #2006-10). U.S. Census Bureau: Washington, DC.
- <sup>51</sup> Prewitt, K. (2011). Why It Matters to Distinguish Between Privacy & Confidentiality. *Journal of Privacy and Confidentiality* 3(2):41-47.
- <sup>52</sup> Gerber, E. (2003). Privacy Schemas and Data Collection: An Ethnographic Account. Census 2000 Testing, Experimentation, and Evaluation Program, Statistical Research Division, U.S. Census Bureau: Washington, DC.
- <sup>53</sup> Guarino, J. A., Hill, J. M., and Woltman, H. F. (2001). Analysis of the social security number notification component of the social security number, privacy attitudes, and notification experiment. U.S. Census Bureau, Washington, D.C. [http://www.census.gov/pred/www/rpts/SPAN\\_Notification.pdf](http://www.census.gov/pred/www/rpts/SPAN_Notification.pdf).
- <sup>54</sup> Willimack, Diane K. (2001) "Businesses' perceptions of confidentiality and their attitudes towards data sharing among federal statistical agencies." Paper presented at the meeting of the Federal Committee on Statistical Methodology.
- <sup>55</sup> Nichols, Elizabeth and Diane K. Willimack (2001) "Balancing confidentiality and burden concerns in censuses and surveys of large businesses." Paper presented at the meeting of the Federal Committee on Statistical Methodology.
- <sup>56</sup> Prewitt, K. (2011). Why It Matters to Distinguish Between Privacy & Confidentiality. *Journal of Privacy and Confidentiality* 3(2):41-47.
- <sup>57</sup> E. Singer, J. Van Hoewyk, R. J. Neugebauer. Attitudes and Behavior: The Impact of Privacy and Confidentiality on Participation in the 2000 Census. (2003). *Public Opinion Quarterly* 67(368): 368-384.
- <sup>58</sup> Singer, E., et al. (2001). Final Report on the 1999-2000 Surveys of Privacy Attitudes. Census 2000 Testing, Experimentation and Evaluation Program. U.S. Census Bureau: Washington, D.C.
- <sup>59</sup> Nardone, T. (2013) COPAFS Remarks. Council of Professional Associations on Federal Statistics Quarterly meeting, December 2013. Washington, DC.

<sup>60</sup> Childs, J.H. and Smirnova, M. (2012). Using Cognitive Interviewing to Detect Privacy and Confidentiality Concerns. Proceedings of the Survey Research Methods Section, ASA.

<sup>61</sup> Gerber, E. (2003). Privacy Schemas and Data Collection: An Ethnographic Account. Census 2000 Testing, Experimentation, and Evaluation Program, Statistical Research Division, U.S. Census Bureau: Washington, DC.

<sup>62</sup> Prewitt, K. (2011). Why It Matters to Distinguish Between Privacy & Confidentiality. *Journal of Privacy and Confidentiality* 3(2):41-47.

<sup>63</sup> Gerber, E. (2003). Privacy Schemas and Data Collection: An Ethnographic Account. Census 2000 Testing, Experimentation, and Evaluation Program, Statistical Research Division, U.S. Census Bureau: Washington, DC.