

Business Knowledge/Perceptions of EIA Efforts to Protect Confidentiality

Purpose of the Interview

Let me start by explaining what we will be doing today.

- The U.S. Energy Information Administration (EIA) is part of the U.S. Department of Energy. It is responsible for collecting, analyzing and disseminating energy information to the public, policy makers, and markets to better understand the interaction of energy with the economy and the environment.
- Today, we are researching the perceptions that energy companies' have regarding the effectiveness of EIA's data confidentiality policies.
- We are speaking to you because, as a survey respondent, you have insight into how responding companies perceive EIA's data confidentiality policies. Your responses will help EIA develop new or modify existing confidentiality policies that support our statistical data collections and build and maintain a strong trust relationship with our data suppliers.
- There are no right or wrong answers to the questions I will be asking. I'd just like to hear what you think. Also, if something doesn't make sense to you, or you have any questions, please ask.
- Before we get started, I'd like to audio record this session so I don't have to later rely on my memory? This session is confidential, which means only persons directly related to this project can listen to the audio files, and the recordings are erased once our report is written. The report will combine information from multiple interviews and sessions and will not contain information that personally identifies you or the facility where you work.
- Our discussion will last less than an hour. To ensure that I cover all the questions I have in this guide, I may have to interrupt our discussion from time to time and move us along.
- Do you have any questions before we get started?

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, not protected under CIPSEA, 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.^{1, 2, 3, 4}
2. Trust in government has dropped.^{5, 6}
 - 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.⁷
 - 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%⁸
 - 80% of adults “agree” or “strongly agree” that Americans should be concerned about the government’s monitoring of phone calls and internet communications.⁹
 - 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 corporations¹⁰
 - 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 confident¹¹
 - Over the past few years, BLS field economists and economic assistants have reported an increase in anti-government sentiment.¹²
 - How much do you trust the government in Washington to do what is right?
 - o 2010: 34%, Almost Never¹³
 - o 2000: 21%, Almost Never¹⁴
 - o 1995: 19%, Almost Never¹⁵
3. Trust in and regard for the work of federal statistical agencies has dropped.¹⁶
 - 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.¹⁷
 - Reported Belief in Honesty of Federal Statistical Agencies¹⁸
 - o 50% agree
 - o 40% disagree
 - o 10% neither
 - Respondent trust of the Census from CBAMS II¹⁹
 - o 60% trust Census
 - o 24% don’t trust
 - o 16% neither
 - Respondent trust of the Census from CBAMS²⁰
 - 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)²¹
 - o Federal statistical agencies: 29.3% very or extremely concerned.

4. Respondents don't think federal statistical agencies will keep their information confidential.²²
 - 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.²³
 - Reported Belief in that Federal Statistical Agencies Keep Data confidential²⁴
 - o 45% trust
 - o 45% don't trust
 - o 10% neither.
 - The Census Bureau's promise of confidentiality can be trusted, from CBAMS II²⁵
 - 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 CBAMS²⁶
 - 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 lot²⁷
 - o 2000: 47%, A lot²⁸
 - o 1995: 37%, A lot²⁹
 - The 2000 census had a more negative short-term effect on trust in confidentiality than the 1990 census.³⁰
 - "The Census Bureau promise of confidentiality cannot be trusted"- increased 3.6% over data collection period.³¹
 - Do you think the Census Bureau does or does not protect the confidentiality of this information, or are you not sure?³²
 - 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.³³
 - 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.^{34, 35, 36}
2. Respondents in a number of studies believed that information is freely shared between agencies, despite any assurances of confidentiality.^{37, 38, 39}
 - Do you trust the Census Bureau not to give other government agencies information identified by name and address?
 - o 2010: 43%, No⁴⁰
 - o 2000: 32%, No⁴¹
 - o 1995: 35%, No⁴²
 - Concern over information sharing between agencies has increased over time.⁴³
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.^{44, 45, 46}

- Bureaucratic incompetence and the perceived tendency of large organizations to cover up lapses in protection.^{47, 48}
4. Respondents expressed fear that information they give government could ultimately be used against them.^{49, 50, 51}
 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.^{52, 53}
 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.^{54, 55}

Impacts

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

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- ⁴ 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.
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