

**Department of Commerce
United States Census Bureau
OMB Information Collection Request
Census Bureau's Title 13, U.S.C. Confidentiality Pledge Revision
OMB Control Number 0607-XXXX**

Under 44 U.S.C. 3506(e) and 13 U.S.C. Section 9, the U.S. Census Bureau is revising the confidentiality pledge it provides to its respondents under Title 13, United States Code, Section 9. These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223), which permit and require the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic.

Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether or not to provide the requested information. Many of the most valuable Federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. Strong and trusted confidentiality and exclusively statistical use pledges under Title 13, U.S.C. and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under the authority of Title 13, U.S.C. and similar statistical confidentiality protection statutes, many Federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. Title 13, U.S.C. and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from legal process. Moreover, many of these statutes carry criminal penalties of a Class E felony (fines up to \$250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223). This Act, among other provisions, permits and requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The technology currently used to provide this protection against cyber malware is known as Einstein 3A; it electronically searches Internet traffic in and out of Federal civilian agencies in real time for malware signatures.

When such a signature is found, the Internet packets that contain the malware signature are shunted aside for further inspection by Department of Homeland Security (DHS) personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain a small portion of confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their sworn agents. However, they can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such monitoring can be used only to protect information and information systems from cybersecurity risks, thereby, in effect, providing stronger protection to the integrity of the respondents' submissions.

Consequently, with the passage of the Federal Cybersecurity Enhancement Act of 2015, the Federal statistical community has an opportunity to welcome the further protection of its confidential data offered by DHS' Einstein 3A cybersecurity protection program. The DHS cybersecurity program's objective is to protect Federal civilian information systems from malicious malware attacks. The Federal statistical system's objective is to ensure that the DHS Secretary performs those essential duties in a manner that honors the Government's statutory promises to the public to protect their confidential data. Given that the Department of Homeland Security is not a Federal statistical agency, both DHS and the Federal statistical system have been successfully engaged in finding a way to balance both objectives and achieve these mutually reinforcing objectives.

Accordingly, DHS and Federal statistical agencies, in cooperation with their parent departments, have developed a Memorandum of Agreement for the installation of Einstein 3A cybersecurity protection technology to monitor their Internet traffic and have incorporated an

associated Addendum on Highly Sensitive Agency Information that provides additional protection and enhanced security handling of confidential statistical data.

However, many current Title 13, U.S.C. and similar statistical confidentiality pledges promise that respondents' data will be seen only by statistical agency personnel or their sworn agents. Since it is possible that DHS personnel could see some portion of those confidential data in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, statistical agencies need to revise their confidentiality pledges to reflect this process change.

In anticipation that the current federal confidentiality pledges, which assure respondents that only sworn agents of their agency can access their data, would need to be revised due to the provisions of the Federal Cybersecurity Act of 2015 and the implementation of Einstein 3A, an interagency SCOPE Confidentiality Pledge Revision Subcommittee¹ tested new pledge language. Based on the results of the remote and in-person cognitive testing of respondent messaging regarding confidentiality, the Census Bureau's Center for Survey Measurement concluded that the revised pledge listed below will communicate the essential information to respondents. This statement will be used to communicate with respondents about the Census Bureau and its data collection efforts. The following is the revised statistical confidentiality pledge for the Census Bureau's data collections:

The U.S. Census Bureau is required by law to protect your information. The Census Bureau is not permitted to publicly release your responses in a way that could identify you. Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.

Attachment A contains a listing of the Census Bureau's information collections where the confidentiality pledge will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes. Attachment B contains a listing of the information collections that the Census Bureau conducts on behalf of other agencies,

¹ The Scope Confidentiality Pledge Revision Subcommittee was comprised of members from the following agencies: Office of Management and Budget, Bureau of Labor Statistics, Bureau of Economic Analysis, Bureau of Justice Statistics, Census Bureau, Energy Information Administration, Federal Reserve Board, National Agriculture Statistics Service, National Center for Education Statistics, National Center for Health Statistics, and the National Center for Science and Engineering Statistics- National Science Foundation.

which are confidential under 13 U.S.C. Section 9 and for which the confidentiality pledge will also be revised.

Attachment A

Census Bureau Information Collections that Include Title 13 Confidentiality Protection	
OMB Control Number	Title of Information Collection
0607-0008	Manufacturers' Shipments, Inventories, and Orders Survey
0607-0013	Annual Retail Trade Report
0607-0049	Current Population Survey (CPS) Basic Demographics
0607-0104	Advance Monthly Retail Trade Survey (MARTS)
0607-0110	Survey of Housing Starts, Sales, and Completions
0607-0117	U.S. Census-Age Search
0607-0151	The Boundary and Annexation Survey (BAS) & Boundary Validation Program (BVP)
0607-0153	Construction Progress Reporting Surveys
0607-0175	Quarterly Survey of Plant Capacity Utilization
0607-0179	Housing Vacancy Survey (HVS)
0607-0189	Business and Professional Classification Report
0607-0190	Monthly Wholesale Trade Survey
0607-0195	Annual Wholesale Trade Survey (AWTS)
0607-0354	Annual Social and Economic Supplement to the Current Population Survey
0607-0368	Special Census Program
0607-0422	Service Annual Survey
0607-0432	Quarterly Financial Report (QFR)
0607-0444	2014 - 2016 Company Organization Survey
0607-0449	Annual Survey of Manufactures
0607-0464	October School Enrollment Supplement to the Current Population Survey
0607-0466	Current Population Survey, Voting and Registration Supplement
0607-0561	Manufacturers' Unfilled Orders Survey
0607-0610	Current Population Survey June Fertility Supplement

0607-0717	Monthly Retail Trade Survey
0607-0725	Generic Clearance for Questionnaire Pretesting Research
0607-0757	2017 New York City Housing and Vacancy Survey
0607-0760	Economic Census Round 3 Focus Group Discussion - <i>currently submitted for clearance</i>
0607-0782	Annual Capital Expenditures Survey
0607-0795	Generic Clearance for Geographic Partnership Programs
0607-0809	Generic Clearance for MAF and TIGER Update Activities
0607-0810	The American Community Survey
0607-0907	Quarterly Services Survey
0607-0909	Information and Communication Technology Survey
0607-0912	Business R&D and Innovation Survey
0607-0921	2017 Economic Census - Commodity Flow Survey (CFS) - Advance Questionnaire
0607-0932	2017 Economic Census -- Commodity Flow Survey
0607-0936	American Community Survey Methods Panel Tests
0607-0963	2015 Management and Organizational Practices Survey
0607-0969	Federal Statistical System Public Opinion Survey
0607-0971	Generic Clearance for 2020 Census Tests to Research the Use of Automation in Field Data Collection Activities
0607-0977	2014 Survey of Income and Program Participation (SIPP) Panel
0607-0978	Generic Clearance for Internet Nonprobability Panel Pretesting
0607-0983	Comparing Health Insurance Measurement Error (CHIME)
0607-0986	Annual Survey of Entrepreneurs
0607-0987	The School District Review Program (SDRP)
0607-0988	The Redistricting Data Program
0607-0989	2016 Census Test
0607-0990	National Survey of Children's Health ²

0607-0991	2017 Economic Census Industry Classification Report
0607-0992	Address Canvassing Testing
0607-XXXX	2017 Census Test - <i>currently submitted for clearance</i>
0607-XXXX	Collection of State Administrative Records Data - <i>currently submitted for clearance</i>
0607-XXXX	2020 Census Local Update of Census Addresses Operation (LUCA) - <i>currently submitted for clearance</i>

Attachment B

² The National Survey of Children’s Health is a reimbursable survey that is sponsored by the Health Resources and Services Administration/Maternal and Child Health Bureau (HRSA-MCHB) of the Department of Health and Human Services. Census submits the information collection request to OMB for clearance.

Census Bureau Information Collections where the Sponsoring Agencies Submit the Information Collection Requests for OMB Clearance - All Include Title 13 Confidentiality Protection

OMB Number	Title of Information Collection	Other Federal Agency Involved	Comments
2528-0017	2015 American Housing Survey	Department of Housing and Urban Development	AHS is in the process of getting OMB approval again. (will be submitted by HUD in December)
1220-0175	American Time Use Survey (ATUS)	Department of Labor, Bureau of Labor Statistics	The ATUS has a current monthly supplement attached to the ATUS survey: ATUS-Eating and Health Supplement (1220-0187) exp. 6/30/2017
1220-0050	Consumer Expenditure Quarterly and Diary Surveys (CEQ/CED)	Department of Labor, Bureau of Labor Statistics	
1220-0100	Current Population Survey (CPS) - Basic Labor Force	Department of Labor, Bureau of Labor Statistics	<p>Census submits a separate ICR for CPS-Demographic Questions which are part of same survey as the CPS - Basic Labor Force</p> <p>The CPS has multiple current monthly supplements attached to the CPS survey with ICRs submitted by the sponsoring agency :</p> <ul style="list-style-type: none"> •Food Security Supplement to the Current Population Survey - 0536-0043 •Contingent Worker Supplement to the Current Population Survey - 1220-0153 (<i>Currently in Federal Register Notice Stage - has not been fully approved</i>) •Veterans Supplement to the Current Population Survey - 1220-0102 •Child Support Supplement to the Current Population Survey - 0970-0416 •National Survey of Unbanked and Underbanked Households - 3064-0167 •Volunteers Supplement - 1220-0102 •Displaced Workers Supplement - 1220-0104 •Survey of Public Participation in the Arts - 3135-0136 •Computer and Internet Use - 0660-0221
1121-0317	Identify Theft Supplement to the NCVS	DOJ, Bureau of Justice Statistics	Periodic Supplement to the NCVS
1121-0111	National Crime Victimization Survey 2015-2018	Bureau of Justice Statistics	Has multiple periodic supplements (listed separately) attached to survey

3145-0141	National Survey of College Graduates (NSCG)	National Science Foundation	
1018-0088	National Survey of Fishing, Hunting, and Wildlife-Associated Recreation	US Fish and Wildlife Service	
1121-0260	2015 Police Public Contact Supplement	DOJ, Bureau of Justice Statistics	Periodic Supplement to the NCVS
1121-0184	2017 School Crime Supplement to the NCVS	National Center for Education Statistics	Periodic Supplement to the NCVS
1121-0302	Supplemental Victimization Survey	DOJ, Bureau of Justice Statistics	Periodic Supplement to the NCVS
2528-0013	Survey of Market Absorption (SOMA)	Department of Housing and Urban Development	SOMA is in the process of getting OMB approval again. Will be submitted by HUD in December.
2528-0276	Rental Housing Finance Survey (RHFS)	Department of Housing and Urban Development, Policy Development and Research	
1905-0169	Manufacturing Energy Consumption Survey (MECSA)	Department of Energy, Energy Information Administration	
2528-0029	Manufactured Housing Survey (MHS)	Department of Housing and Urban Development, Policy Development and Research	
0935-0110	Medical Expenditure Panel Survey (MEPS)	Department of Health and Human Services, Agency for Healthcare Research and Quality	

