



CERTIFICATION AND RESTRICTIONS
ON THE USE OF CONFIDENTIAL ERS DATA

I, \_\_\_\_\_, understand and agree to the following conditions concerning the use of confidential data provided by the Economic Research Service (ERS) under CIPSEA regulations.

The specific data to which this request applies are:

\_\_\_\_\_

The specific conditions of the agreement are:

- a. All individual data are confidential, and (check one):
\_\_\_ must be used on-site in ERS; or
\_\_\_ must be used at an ERS approved remote location at \_\_\_\_\_
b. These data will be used for "statistical and economic research purposes" only. The data cannot be used for non-statistical purposes including administrative, regulatory, law enforcement, adjudicatory, or other purposes that affect the rights, privileges, or benefits of a particular identifiable respondent.
c. No paper or electronic copies of individual survey responses can be created and removed from the site or published. Summary statistics that could possibly reveal individual survey responses must not be removed from the site or published.
d. A report of any type using the confidential data listed above will be provided to a representative of the ERS Associate Administrator for disclosure clearance prior to publication or presentation. Any data contained in the report such that the identity of the respondent providing the particular information is discernible, must be appropriately modified or removed before the report may be published or released to the public.
e. I will not disseminate or share the individual survey data, whether in original form or aggregated, with persons other than those who have completed this agreement and are directly associated with the project for which the data were obtained.
f. The data provided have not been published by the Economic Research Service (ERS) and cannot be considered as official estimates.
g. All questions regarding access to these data shall be referred to the ERS Associate Administrator.

In addition to the above conditions, I have been provided (shown on reverse side) PL 107-347, Sec. 513, Fines and Penalties, and Sec. 512, Limitations on Use and Disclosure of Data and Information; 18 U. S. Code 1902, "Disclosure of crop information and speculation thereon"; 18 U. S. Code 1905, "Disclosure of confidential information generally"; and 7 U. S. Code 2276, "Confidentiality of information"

This agreement must be renewed annually.

I certify that I have read the above-mentioned regulations this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and will abide by them.

Signature Organization or Agency/Div./Br. City and State
Witnessed by: Representative of Associate Administrator, Economic Research Service Date

## UNITED STATES CODE

*Title 18, Section 1902*

### ***Disclosure of crop information and speculation thereon.***

Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment or position, become possessed of information which might influence or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of such department or agency required to be withheld from publication until a fixed time, willfully imparts, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or agency to receive the same, or before such information is made public through regular official channels, directly or indirectly speculated in any such product by buying or selling the same in any quantity, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

No person shall be deemed guilty of a violation of any such rules, unless prior to such alleged violation he shall have had actual knowledge thereof.

## UNITED STATES CODE

*Title 18, Section 1905*

### ***Disclosure of confidential information generally.***

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than \$1,000, or imprisoned not more than one year, or both and shall be removed from office or employment.

The information you provide will be used for statistical purposes only. Your responses will be kept confidential and any person who willfully discloses ANY identifiable information about you or your operation is subject to a jail term, a fine, or both. This survey is conducted in accordance with the Confidential Information Protection provisions of Title V, Subtitle A, Public Law 107-347 and other applicable Federal laws. Response is voluntary.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB number is 0536-xxxx. The time required to complete this information collection is estimated to average 30 minutes per project, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

## UNITED STATES CODE

*Title 7, Section 2276*

### ***Confidentiality of information.***

- (a) In the case of information furnished under a provision of law . . . . , neither the Secretary of Agriculture, any other officer or employee of the Department of Agriculture or agency thereof, nor any other person may:
  - (1) use such information for a purpose other than the development or reporting of aggregate data in a manner such that the identity of the person who supplied such information is not discernible and is not material to the intended use of such information; or
  - (2) disclose such information to the public, unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.
- (b) (1) In carrying out a provision of law . . . . , no department, agency, officer, or employee of the Federal Government, other than the Secretary of Agriculture, shall require a person to furnish a copy of statistical information provided to the Department of Agriculture.
  - (2) A copy of such information:
    - (A) shall be immune from mandatory disclosure of any type, including legal process; and
    - (B) shall not, without the consent of such person be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.
- (c) Any person who shall publish, cause to be published, or otherwise publicly release information collected pursuant to a provision of law . . . . , in any manner or for any purpose prohibited in section (a), shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.