

The Bureau of Labor Statistics (BLS) is strongly committed to protecting the confidentiality of information provided by respondents and to ensuring that it is used only for statistical purposes. This pledge of confidentiality means that only BLS employees and agents, such as contract employees or employees of State agencies working on statistical programs under BLS agreements, will ever have access to your information. The limitations on use of the data to statistical purposes means that BLS will combine your information with information from other respondents to produce descriptions, estimates, and analyses regarding the state of the economy without identifying the individual information you have provided.

**This handout describes the laws and policies that protect information provided by respondents to the Bureau of Labor Statistics.**

## LEGAL PROTECTIONS

*Respondents to BLS surveys enjoy the protection of a number of Federal laws that ensure that confidential information is kept secure.*

- **Confidential Information Protection and Statistical Efficiency Act (CIPSEA)** (44 U.S.C. 3572) states that information acquired by the BLS for exclusively statistical purposes under a pledge of confidentiality must be used by BLS employees and agents for statistical purposes only. CIPSEA further states that any BLS employee or agent, who knowingly and willfully discloses identifiable respondent information to someone not authorized to receive it, is subject to imprisonment for not more than 5 years and fines of not more than \$250,000, or both.
- **Trade Secrets Act** (18 U.S.C. 1905) provides that the United States government may not disclose the confidential statistical data of any person, firm, partnership, corporation, or association. Any government employee charged with violation of this Act could be discharged, fined, and imprisoned.
- **Privacy Act** (5 U.S.C. 552a (b)) prohibits a Federal agency from disclosing information about an individual without the written consent of that individual. In accordance with the Privacy Act, the BLS holds all personal identifiers such as names, addresses, and social security numbers in confidence.
- **Wagner-Peyser Act** (29 U.S.C. 491-2(a)(2)) provides that employment data submitted to BLS for exclusively statistical purposes be held in confidence. This Act further provides that confidential employment data maintained by BLS is immune from the legal process.



- **Freedom of Information Act exemption 3** (5 U.S.C. 552(b)(3)) excludes “records that are specifically exempted from disclosure by statute.” CIPSEA specifically exempts from disclosure records acquired for exclusively statistical purposes under a pledge of confidentiality.
- **Freedom of Information Act exemption 4** (5 U.S.C. 552 (b)(4)) excludes “records that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.” This includes all business establishment data collected by the BLS under a pledge of confidentiality.
- **Freedom of Information Act exemption 6** (5 U.S.C. 552(b)(6)) excludes “personal. . . files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” This applies to all data on individuals collected by BLS under a pledge of confidentiality.
- **Federal Information Security Management Act (FISMA)** (44 U.S.C. 3541) imposes a mandatory set of information security processes and controls which must be followed by all information systems used or operated by a Federal government agency or by a contractor or other organization on behalf of a Federal government agency. BLS complies with all enacted Federal controls, as promulgated in guidance from National Institute of Standards and Technology (NIST), to securely house and transfer information, and regularly audits and monitors those controls.
- **Cybersecurity Act of 2015** mandates that Federal information systems be protected from malicious activities through cybersecurity screening of transmitted data.
- **Federal Statistical Confidentiality Order** (published by the Office of Management and Budget on June 27, 1997 at 62 Federal Register 35,043) establishes a consistent government policy protecting the privacy and confidentiality interests of respondents who provide information to Federal statistical programs.

## BLS CONFIDENTIALITY POLICY

*The BLS has established policies to ensure that survey respondent’s confidential information is protected.*

- **Commissioners Order No. 10-2, BLS Respondent Identifiable Information** (November 7, 2011) provides that data acquired or maintained by the BLS for exclusively statistical purposes and under a pledge of confidentiality shall be treated in a manner that ensures that individually identifiable information will be used for statistical purposes only and will be accessible only to authorized persons.
- **BLS Administrative Procedure No. 20-6, Handling Procedures for Sensitive Information in BLS** (November 10, 2008) provides instructions and guidelines to BLS employees and agents on the proper procedures for handling and safeguarding confidential information.
- **Secretary’s Order No. 16-2006, Invoking Governmental Privileges** (November 9, 2006) delegates to the Commissioner of Labor Statistics authority to invoke claims for special governmental privileges to protect from disclosure in the case of litigation information provided to the BLS under a pledge of confidentiality.

**For any questions or comments, please contact the Bureau of Labor Statistics by telephone at 202-691-7628 or by e-mail at [Pledge@bls.gov](mailto:Pledge@bls.gov).**

