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<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES NATIONAL ANIMAL HEALTH MONITORING SYSTEM 2150 CENTRE AVE, BLDG B FORT COLLINS, CO 80526</p>	<p>NAHMS AGENT AGREEMENT</p>

I _____, understand and will abide by the following conditions concerning the use of unpublished data provided to/by the National Animal Health Monitoring System (NAHMS).

The specific data to which this request applies are: _____.

For the purposes of this agreement, “unpublished data” includes the data source itself as well as any output (e.g., printed extracts) from that data that have not explicitly been cleared for publication using NAHMS disclosure review process.

APHIS is a regulatory Agency. NAHMS has been recognized as a statistical unit and carries out its mission using APHIS’ infrastructure. This presents a disclosure risk, as information collected for statistical purposes using a promise of confidentiality that is disclosed outside of NAHMS could potentially lead to uses of the data for nonstatistical purposes. Therefore, information must be secured in a manner that prevents disclosure outside of NAHMS as well as to the public.

The specific conditions of the agreement are:

1. The unpublished data will be used for statistical purposes only.
2. The only authorized storage areas for unpublished electronic data, depending on sensitivity of the data, are the NAHMS/NASS data lab (2E78), the CIPSEA SharePoint site, NAHMS shared drive space, and the NAHMS approved virtual data enclave. No unpublished data may be saved in other places or transferred to local devices.
3. Printed extracts of the unpublished data must be secured at all times. To secure printed extracts outside of the NAHMS lab, lock them in a file cabinet or desk drawer when not in use.
4. Unpublished data or output must not be viewed by unauthorized persons. Authorized individuals have completed annual CIPSEA training, a certification for access to unpublished data, and an APHIS 513 form specifically authorizing their access to unpublished data for a given project. The NAHMS Director maintains a list of approved personnel.
5. **All output constructed from unpublished data must be provided to the NAHMS Director for disclosure review prior to release to individuals who have not signed a certification for access to unpublished data form.** Data contained in any output must be summarized into a statistical (descriptive or inferential) aggregate form.
6. Field Agents: Personally identifiable information (PII), such as sampling lists containing a producer’s name and address, may be removed from the worksite to administer surveys. All PII must be secured when not in use. Methods to secure PII include locking it in a file cabinet/desk, vehicle trunk, or storing it electronically on an approved device, in an approved electronic location, with encryption and password protection when not in use.

In addition to the above conditions, I have been provided (shown on reverse side) Title III of the Foundations for Evidence-Based Policymaking Act of 2018, PL 115–435, Sec. 3572, Confidential Information Protection; 18 U.S. Code Sec. 1905, Disclosure of confidential information generally; and Title I of the Whistleblower Protection Enhancement Act of 2012, PL 112–199, Sec. 115, Nondisclosure policies, forms, and agreements.

By signing this certification, I agree, as an agent of NAHMS, to abide by the laws governing the collection of data for statistical purposes as shown on the next page and the rules established by NAHMS on the use of this unpublished data itemized in 1–6 above.

I certify that I have read the above-mentioned regulations this ____ day of _____, 20____, and will abide.

Name (Type or print): _____ Signature: _____

Title III of the Foundations for Evidence-Based Policymaking Act of 2018, Public Law 115–435, Section 3572. Confidential Information Protection.

- (b) Use of Statistical Data or Information. — Data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes and protected in accordance with such pledge.
 - (c) Disclosure of Statistical Data or Information. — (1) Data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent. (2) A disclosure pursuant to paragraph (1) is authorized only when the head of the agency approves such disclosure, and the disclosure is not prohibited by any other law. (3) This section does not restrict or diminish any confidentiality protections in law that otherwise apply to data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes.
 - (d) Rule for Use of Data or Information for Nonstatistical Purposes. — A statistical agency or unit shall clearly distinguish any data or information it collects for nonstatistical purposes (as authorized by law) and provide notice to the public, before the data or information is collected, that the data or information could be used for nonstatistical purposes.
 - (e) Designation of Agents. — A statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 3561(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this subchapter.
 - (f) Fines and Penalties.—Whoever, being an officer, employee, or agent of an agency acquiring information for exclusively statistical purposes, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by this section, comes into possession of such information by reason of his or her being an officer, employee, or agent and, knowing that the disclosure of the specific information is prohibited under the provisions of this subchapter, willfully discloses the information in any manner to a person or agency not entitled to receive it, shall be guilty of a class E felony and imprisoned for not more than 5 years, or fined not more than \$250,000, or both.
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Title 18, U.S. Code, Section 1905 Disclosure of confidential information generally.

Whoever, being an officer or employee of the United States or of any department or agency thereof, any person acting on behalf of the Federal Housing Finance Agency, or agent of the Department of Justice as defined in the Antitrust Civil Process Act (15 U.S.C. 1311–1314), or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5, 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 under this title, or imprisoned not more than one year, or both; and shall be removed from office or employment.

Title I of the Whistleblower Protection Enhancement Act of 2012, Public Law 112–199, Section 115. Nondisclosure policies, forms, and agreements.

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.
