

USDA's National Agricultural Statistics Service 2020 CIPSEA Report to Office of Management and Budget



United States Department of Agriculture
National Agricultural Statistics Service

2020 CIPSEA Report to OMB for USDA’s National Agricultural Statistics Service

General

The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) provides strong confidentiality protections to Federal agencies conducting statistical information collections such as surveys and censuses as well as other statistical activities including data analysis. This report contains the USDA National Agricultural Statistics Service’s (NASS) CIPSEA activities in 2020 and fulfills the Office of Management and Budget’s (OMB) annual report requirement documented in the *Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)* dated June 15, 2007.

Title III of the *Foundations for Evidence-Based Policymaking Act of 2018* (Public Law 115-435) contains a revision to CIPSEA. As of February 2021, OMB has not issued revised CIPSEA guidance, hence, this report was prepared following guidance from the 2002 version of CIPSEA.

Use of the CIPSEA Pledge

In 2020 NASS conducted surveys and censuses approved under 38 OMB Control Numbers, all of these Information Collections were covered under CIPSEA. All questionnaires used for these Information Collections included the following CIPSEA pledge:

The information you provide will be used for statistical purposes only. Your response 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 and Statistical Efficiency Act of 2018, Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35 and other applicable Federal laws. For more information on how we protect your information please visit: <https://www.nass.usda.gov/confidentiality>.

For voluntary surveys the statement, “Response to this survey is voluntary.” will follow this pledge. For mandatory surveys the statement, “Response to this survey is mandatory.” will follow.

Table 1 provides the list of Information Collections (ICs) NASS had active in 2020. NASS followed the confidentiality provisions in the Confidential Information Protection and Statistical Efficiency Act of 2018, Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35 for the data collected from these ICs.

Table 1: NASS’s Information Collections Active in 2020

OMB No.	Information Collection Name
0535-0001	Cold Storage
0535-0002	Field Crops Production
0535-0003	Agricultural Prices
0535-0004	Egg, Chicken, and Turkey Surveys
0535-0005	Livestock Slaughter

OMB No.	Information Collection Name
0535-0007	Stocks Reports
0535-0020	Milk and Milk Products
0535-0037	Vegetable Surveys
0535-0039	Fruit, Nuts, and Specialty Crops
0535-0088	Field Crops Objective Yield
0535-0093	Floriculture Survey
0535-0109	Agricultural Labor
0535-0140	List Sampling Frame Survey
0535-0150	Aquaculture
0535-0153	Honey Survey
0535-0212	Mink Survey
0535-0213	Agricultural Surveys Program
0535-0218	Agricultural Resource Management and Chemical Use Surveys (ARMS)
0535-0220	Cotton Ginnings
0535-0226	Census of Agriculture
0535-0236	Census of Horticultural Specialties
0535-0243	Census Content Testing
0535-0248	Generic Clearance of Survey Improvement Projects
0535-0249	Organic Survey
0535-0251	Residue and Biomass Field Survey
0535-0254	Current Agricultural Industrial Reports (CAIR)
0535-0256	Feral Swine Survey
0535-0258	Cost of Pollination Survey
0535-0259	Local Foods Survey
0535-0261	Generic Customer Satisfaction Survey
0535-0262	Water Use Survey
0535-0263	Wine Grape Inventory
0535-0264	Quick Response for Cooperator funded Generic Clearance
2535-0265	Farm Technology Survey
0535-0266	Custom Work Survey
0535-0267	Turfgrass Economic Survey
0535-0268	Survey of Irrigation Organizations
0535-0269	Labor Suspension

Use of the CIPSEA Agents Provision

In accordance with CIPSEA, NASS granted agent status to 3,242 contractors and researchers in 2020. All agents were required to sign the confidentiality certificate in either Appendix A (ADM-043) or Appendix B (NAS-004). The certificate affirms all agents were aware of, and agreed to abide by, CIPSEA provisions. All agents had access to CIPSEA-protected data

collected under one or more of the Information Collections listed in Table 1. The categories of agents NASS granted in 2020, along with a count of each type, are listed in Table 2.

Table 2: NASS Agents Granted in 2020

Agent	Description	Approximate Agent Count
Enumerators	NASS cooperates with the National Association of State Departments of Agriculture (NASDA) to provide enumerators who collect data for NASS's surveys. Annually, all enumerators must sign a confidentiality statement <i>NAS-004: NASDA Certification of Confidentiality and Motor Vehicle Insurance</i> (see Appendix B). NASS maintains a memorandum of understanding (MOU) with NASDA that explains CIPSEA confidentiality provisions. NASDA enumerators include both those who conduct interviews over the telephone and those who conduct face-to-face interviews.	3,000
State Employees	NASS maintains MOUs with State governments and Land Grant Universities. Some of these MOUs provide State-funded employees who work in NASS Field Offices. These employees perform similar activities to NASS employees, including accessing CIPSEA-protected data for processing, review, editing, and analysis.	40
Information Technology Contractors	NASS contracts with various information technology companies to provide system programming and maintenance services. Some of these contractors have access to CIPSEA-protected data.	19
NASS-Funded ^{1/} Researchers	NASS contracts with the National Institute of Statistical Sciences (NISS), universities, and other researchers to provide expertise on various statistical and geospatial methodologies. Each contract is formalized with a Statement of Work, an Intergovernmental Personnel Act, or a cooperative agreement. These researches are provided access to data to conduct research on statistical analysis methodologies. Data access is provided at NASS facilities and/or on NASS's computer network.	6
Researchers (Non-NASS funded)	<p>This category includes researchers from universities and governmental agencies (Federal and State) who request to access existing NASS survey data for research purposes. Before these researches are granted agent status to conduct specialized statistical analyses on CIPSEA-protected data, they must provide NASS with the following information:</p> <ul style="list-style-type: none"> - Specify what data are needed. - Specify how the data will be used (method of analysis, statistical techniques and the level of reliability that will be required). - Specify where the data will be accessed. - Specify all persons, organizational units, and/or sub-agents who will have access to the data. Each person must also provide his/her U.S. citizenship status. <p>NASS uses the above information to determine if access is granted. If granted, data access is a provided at NASS facilities, at NASS-controlled centers, or by remote access via the NORC Data Enclave. The NORC Data Enclave is a NIST-approved facility.</p>	177
Total		3,242

1/ Some university researchers may be at NASS on sabbatical and not actually funded by NASS.

Data Sharing Activities Under Subtitle B

This section is not applicable to NASS since NASS is not covered under CIPSEA Subtitle B.

Appendix A



**NATIONAL
AGRICULTURAL
STATISTICS
SERVICE**

CERTIFICATION AND RESTRICTIONS ON USE OF UNPUBLISHED DATA

ADM-043
USDA-NASS
Revised (12/20)

U.S. Department of Agriculture
Rm 5041A, South Building
Washington, D.C. 20250
202-720-4333

I, _____, understand and agree to the following conditions concerning the use of unpublished data provided by the National Agricultural Statistics Service in response to my request.

The specific data to which this request applies are: _____

The specific conditions of the agreement are:

- a. The estimates provided have not been published by the National Agricultural Statistics Service (NASS) and cannot be considered as official estimates.
- b. All individual report data are confidential and, (*check one*):
 must be used in a NASS Data Lab; must be used on-site in ERS; can be used off-site.
No copies of reports or computer media (tapes, disks, flash drives, etc.) containing these reports can be made or published. Summaries that could possibly reveal individual reports must not be published. Summaries may not be taken off-site until they are cleared by authorized staff.
- c. These data will be used for *statistical and economic research purposes* only.
- d. I will not disseminate or share the data, whether in original form or aggregated, with persons other than those who are directly associated with the project for which the data were obtained and have completed this agreement.
- e. A report of any type using the unpublished data listed above will be provided to the Associate Administrator for review and comment prior to publication or presentation. Any data contained in the report that have not been transformed into a statistical or aggregate form, such that the identity of the respondent providing the particular information is not discernible, must be appropriately modified or removed before the report may be published or released to the public.
- f. All questions regarding access to these data shall be referred to the Associate Administrator for appropriate response.

In addition to the above conditions, I have been provided (*shown on reverse side*) Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35, Section 3572, *Fines and Penalties*, and *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*; 7 U. S. Code 2276, *Confidentiality of information*; and 18 U.S. Code 2072, *False crop reports*.

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

(Signature)

(Type or print Name)

(Organization or Agency/Div./Br.)

(City and State)

Witnessed by: _____

Date: _____

*Representative of Associate Administrator,
National Agricultural Statistics Service*

Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35, Section 3572. 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 Section 3572 (see below), 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 title, 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.

Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35, Section 3572. Limitations on Use and Disclosure of Data and Information.

(a) 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.

(b) 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.

(c) 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.

(d) 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 title.

**Title 18, U.S. Code, 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... or imprisoned..., or both. <See *Fines and Penalties*> 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.

**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, 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 . . . , or imprisoned . . . , or both and shall be removed from office or employment. <See *Fines and Penalties*>

**Title 7, U.S. Code, 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 . . . or imprisoned . . . , or both. <See *Fines and Penalties*>

**Title 18, U.S. Code, Section 2072
False crop reports**

Whoever, being an officer or employee of the United States or any of its agencies, whose duties require the compilation or report of statistics or information relating to the products of the soil, knowingly compiles for issuance, or issues, any false statistics or information as a report of the United States or any of its agencies, shall be fined under this title or imprisoned not more than five years, or both.

Appendix B



NAS-004
(Rev. 12/20)

NASDA CERTIFICATION OF CONFIDENTIALITY AND MOTOR VEHICLE INSURANCE

As an **Officer, Employee, or Person Acting for or on Behalf of the United States Department of Agriculture** in activities related to data collection and preparation of Reports, I fully recognize my responsibility for:

- a. Safeguarding Confidential as well as Nonconfidential types of data, records, or information from unauthorized disclosure, destruction, or modification, whether accidental or intentional.
- b. Maintaining the minimum motor vehicle insurance coverage required in my State, while driving an automobile in relation to NASDA business.

The authorized representative of National Association of State Department of Agriculture and National Agricultural Statistics Service has placed before me the following:

- a. **NASS Security Expectations Brochure.**
- b. Title 18, United States Code, Paragraph 1905, "**Disclosure of confidential Information Generally.**"
- c. Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35 [Confidential Information Protection and Statistical Efficiency Act (CIPSEA)], Section 3572, "**Limitations on Use and Disclosure of Data and Information.**"
- d. Title III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35 (CIPSEA), Section 3572, "**Fines and Penalties.**"
- e. **NASDA motor Vehicle Insurance Regulation.** (*Required of all NASDA employees being reimbursed for mileage in connection with NASDA business.*)

I certify that I have read the above mentioned material this ____ day of _____, 20 __, and will abide by them.

Title: _____ Signature: _____

(Please type or print in ink the following information)

Name:
Street Address:
City, State, & Zip Code:

Witnessed by: _____ Date: _____

Representative of National Association of State Departments of
Agriculture or the National Agricultural Statistics Service

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, profit, 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 III of Pub. L. No. 115-435, codified in 44 U.S.C. Ch. 35 [Confidential Information Protection and Statistical Efficiency Act (CIPSEA)]

Section 3572, Limitations on Use and Disclosure of Data and Information.

(a) 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.

- (b) 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.

(c) 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.

(d) 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 502(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this title.

Section 3572, 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 Section 3752 (above), 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 title, 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.

NASDA MOTOR VEHICLE INSURANCE REGULATION

As an employee of NASDA, you are not covered under the Federal Tort Claims Act. You must have motor vehicle liability insurance which meets the minimum requirement for your State. You should contact your insurance company to determine if additional coverage is needed. Survey work qualifies as a non-farm business. Insurance companies generally require a higher rate for cars and trucks used in a non-farm business in comparison with vehicles used solely for farm work. NASDA does have comprehensive liability insurance covering their liability in excess of insurance carried by Enumerators. Should you fail to inform your insurance company that you are engaged in a non-farm business with your motor vehicle, you could face possible cancellation of the policy if you are involved in an accident.