

Access to Research Data: Assessing the Risks and Opportunities

Session I: Data Access and Confidentiality—the Changing Legal Landscape

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What is the scope of legislative coverage?

Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)

- provides uniform protection across agencies
- covers all data collected for statistical purposes under a pledge of confidentiality
- penalties: \$250,000 fine and/or five years in prison

CIPSEA

CIPSEA Data Sharing Provisions (Subtitle B)

n What information is covered?

– Business data

n What agencies are affected?

– Three designated statistical agencies only:
BEA, BLS, and Census

CIPSEA

- n What must be specified in the written agreement?
 - the business data to be shared;
 - the statistical purposes for which the business data are to be used;
 - the officers, employees, and agents authorized to examine the business data to be shared; and
 - appropriate security procedures to safeguard the confidentiality of the business data.

CIPSEA

- n First proposal for data sharing published in the Federal Register in June 2003.
 - Census Bureau proposed to provide data from Surveys of Industrial Research and Development to BEA

Who may access the data?

- n Agencies may designate agents by contract or special agreement
 - Subject to same limitations and penalties as agency employees.
 - Includes contractors, Special Sworn Status, and may include outside researchers
 - Agents must be under the control and supervision of the agency.

Who may access the data?

- n CIPSEA does not diminish any existing legislative protections
- n Agencies require infrastructure to provide access to data in a secure environment that will maintain confidentiality required by CIPSEA.

Under what conditions can the data be accessed?

- n Legal contract or binding agreement required that maintains the confidentiality of the data
 - Marilyn Seastrom detailed the key elements
- n Only statistical uses are permitted

Where can the data be accessed?

- n Agency Headquarters
- n Research Data Centers
 - Census Bureau (secure sites)
- n Remote Computer Access
 - National Center for Health Statistics
- n License researchers and their institutions
 - National Center for Education Statistics

What are the implications of legislation...

n For researchers

- no “right of access”
- must honor safeguards

n For respondents

- informed consent
- how much to tell them

Implementing CIPSEA

- n Interagency Team to advise OMB on Implementation Guidance
 - representatives from all Interagency Council on Statistical Policy agencies
- n What are agencies doing?
 - Assessing current practices and implications for their programs

Implementing CIPSEA

- n What questions have agencies had?
 - Must CIPSEA be used for all collections by statistical agencies or units?
 - What pledges should agencies make?
 - n Distinguish “Platinum pledge” from bronze version
- n When will OMB Issue Guidance?
 - Interagency Team hopes to have recommendations late 2003, early 2004.
 - Also solicit input at other public forms.