

## **Laws and Guidance under which Federal Statistical Agencies Must Operate**

The Federal statistical system comprises over 125 agencies or units that engage in statistical activities. A substantial portion of our official statistics is produced by the 13 agencies that have statistical work as their principal mission. In addition, 3 statistical units (subcomponents of agencies) are recognized as having statistical work as their principal mission. (See list on reverse side)

Several statutes define requirements for federal information collection and promote the relevance, accuracy, objectivity, and access to Federal statistical products

### **1. Paperwork Reduction Act (PRA) of 1995 (Public Law 104-13) and PRA Implementation Guidance**

The PRA requires agencies to manage information resources to "improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security. To adequately inform potential respondents about the uses of the information they provide, respondents must be informed through public notice of the confidentiality of their responses, the reasons the information is being collected, and how the information will be used to further the proper performance of the functions of the agency.

Part 1320 of the PRA is specifically aimed at controlling paperwork burdens on the public. This requires OMB review and approval of statistical (and other information) collections, and that a preliminarily approved data collection plan is made public in the Federal Register so that comments from the public can be taken into account in finalizing the collection. To obtain OMB approval an agency must demonstrate that it has taken every reasonable step to ensure that the proposed collection of information: (a) is the least burdensome necessary; (b) is not duplicative of information otherwise accessible to the agency; and (c) has practical utility.

### **2. The Information Quality Act (Section 515 of Public Law 106-554)**

The Information Quality Act and its Implementation Guidelines are aimed at "Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies." Its focus is on the Federal government's information dissemination. It directs statistical agencies to develop information resources management procedures for reviewing and substantiating the quality (including the objectivity, utility, and integrity) of information before it is disseminated.

### **3. Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002, Title V of the E-Government Act (Public Law 107-347)**

CIPSEA established a uniform policy for all Federal statistical collections to reduce public confusion, uncertainty, and concern about the treatment of confidential statistical information by different Federal agencies. The law gives the agencies standardized approaches to protecting information so that survey responses will not be exposed in ways that could lead to inappropriate or surprising identification of the respondent. To faithfully maintain the commitment for information protection, agencies are required to meet a number of minimum requirements, including that at the time of collection they must pledge to keep the data or information confidential, and pledge that the information will be used for exclusively statistical purposes. By default the respondent's data is used for *statistical purposes* only. If the respondent gives *informed consent*, the data can be put to some other use. The law requires confidentiality training of all personnel, including contractors, and documented cybersecurity. CIPSEA also allows limited data sharing between the Bureau of Labor Statistics, Bureau of Economic Analysis, and Census Bureau for the purpose of making business data more (though not thoroughly) consistent across parts of the government.

**Four OMB Statistical Policy Directives build on the legislation and professional standards to further identify minimum requirements for Federal principal statistical agencies when they engage in any form of statistical activity.**

**Statistical Directive # 1** affirms the fundamental responsibilities of federal statistical agencies and recognized statistical units in the design, collection, processing, editing, compilation, analysis, release, and dissemination of statistical information and, correspondingly, the need for cabinet departments to facilitate the ability of statistical agencies to meet their responsibilities. The Directive is explicit in recognizing the need for public trust of federal statistics and the autonomy that is necessary for a statistical agency to be trusted.

**Statistical Directive #2** is specific to standards and guidelines for statistical surveys, including survey planning and design, pretesting, necessary response rates, survey collection methodology, data processing and review, survey data analysis and reporting, survey documentation, and the dissemination of confidentiality-protected survey results.

**Statistical Directive #3** specifically provides guidance to Federal agencies on the compilation and release of principal economic indicators. It includes stringent procedures for announcing changes in data collection, analysis, and estimation methods, and it adds the requirement for periodic evaluation of the performance of each economic indicator

**Statistical Directives #4** extends the release and dissemination processes of OMB's Statistical Directive No. 3, to a greater range of Federal statistical products, addressing the need for equitable, policy-neutral, and timely release and dissemination of general purpose statistical information to the public and reinforces the integrity and transparency of the processes used to produce and release survey and non-survey based statistics and analysis.

**The 13 agencies and 3 statistical units that have statistical work as their principal mission and are specifically bound by CIPSEA and OMB Statistical Directives 1-4 are:**

- Bureau of Economic Analysis (Department of Commerce);
- Bureau of Justice Statistics (Department of Justice);
- Bureau of Labor Statistics (Department of Labor);
- Bureau of Transportation Statistics (Department of Transportation);
- Census Bureau (Department of Commerce);
- Economic Research Service (Department of Agriculture);
- Energy Information Administration (Department of Energy);
- National Agricultural Statistics Service (Department of Agriculture);
- National Center for Education Statistics (Department of Education);
- National Center for Health Statistics (Department of Health and Human Services);
- National Center for Science and Engineering Statistics (National Science Foundation);
- Office of Research, Evaluation, and Statistics (Social Security Administration);
- Statistics of Income Division (Department of the Treasury);
- Microeconomic Surveys Unit, (Board of Directors of the Federal Reserve System);
- Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration (Department of Health and Human Services); and
- National Animal Health Monitoring System, Animal and Plant Health Inspection Service (Department of Agriculture).