

**CONFIDENTIALITY CERTIFICATION
for APHIS STAFF COLLECTING or HANDLING NAHMS DATA**

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

- a) Safeguarding Confidential and Administrative data, records, or information from unauthorized access, disclosure, modification, or destruction, whether accidental or intentional.
- b) Maintaining a secure work area, with special emphasis when performing duties in a non-office environment.

The Animal and Plant Health Inspection Service, Confidentiality Agent or the National Agricultural Statistics Service (NASS) representative has placed before me the following:

- a) NASS Confidentiality Brochure;
- b) Confidential Information Protection and Statistical Efficiency Act (CIPSEA), Section 513, "*Fines and Penalties*;"
- c) Confidential Information Protection and Statistical Efficiency Act (CIPSEA), Section 512, "*Limitations on Use and Disclosure of Data and Information*;"
- d) Title 18, United States Code, Paragraph 1905, "*Disclosure of Confidential Information Generally*;"
- e) Title 7 United States Code, Section 2276, "*Confidentiality of Information*."

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

Signature: _____ Date: _____

(Please type or print in ink the following information)

Name:
Title and Agency/Organization Unit:
Street Address:
City, State, & Zip Code:

Witnessed by: _____ Title: _____ Date: _____
NAHMS Confidentiality Agent

Checking this box indicates the certification of a NAHMS Confidentiality Agent.



UNITED STATES CODE

Title 44, Section 3501, Notes: Confidential Information Protection and Statistical Efficiency Act (CIPSEA), Section 513. 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 512 (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 44, Section 3501, Notes: Confidential Information Protection and Statistical Efficiency Act (CIPSEA), Section 512. 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.

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 ..., 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">