

Table 2. Illustrative Overview of Federal Research Confidentiality Statutes and Codes.

Federal Agency	Statute	US Code Citation/ Reg	USC Language
HHS/Cert of Conf./ NIH NIMH NIDA	PHS Act 301(d)	42 USC §241(d)/ 42 CFR part 2, 2a	"The Secretary [of the Department of Health and Human Services] may authorize persons engaged in biomedical, behavioral, clinical, or other research (including research on mental health, and on the use and effect of alcohol and other psychoactive drugs) to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals" (Public Health Service Act 301 (d), 42 U. S. C. 241(d), as amended by Public Law No. 100-607, Section 163 (November 4, 1988)).

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<p>HHS/ AHRQ</p>	<p>PHS Act</p>	<p>42 USC §299 et. seq.</p>	<p>(c) Limitation on use of certain information No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this subchapter may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.</p> <p>(d) Penalty Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than \$10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1320a-7a of this title are imposed and collected.</p>
<p>HHS/ NCHS/ CDC</p>	<p>PHS Act</p>	<p>42 USC §241m(d)</p>	<p>(d) Information; publication restrictions No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under section 242b, 242k, or 242l of this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose; and in the case of information obtained in the course of health statistical or epidemiological activities under section 242b or 242k of this title, such information may not be published or released in other form if the particular establishment or person supplying the information or described in it is identifiable unless such establishment or person has consented (as determined under regulations of the Secretary) to its publication or release in other form.</p>

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DOJ/OJP	Omnibus Crime Control Act	42 USC §3789(g)/ 28 CFR part 22	<p>(a) Research or statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings Except as provided by Federal law other than this chapter, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.</p> <p>(d) Violations; fine as additional penalty Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.</p>
DOJ	Controlled Substances Act	21 USC §872 (c)	<p>(c) Identification of research populations; authorization to withhold The Attorney General may authorize persons engaged in research to withhold the names and other identifying characteristics of persons who are subjects of such research. Persons who obtain this authorization may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.</p>

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DOEd. /NCES	Nat. Ed. Stat. Act 1994		<p>"The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this title."</p> <p>"No person may use any individually identifiable information furnished under this title for any purpose other than a statistical purpose; make any publication whereby the data furnished by any particular person under this title can be identified; or permit anyone other than the individuals authorized by the Commissioner to examine the individual reports."</p> <p>The penalty for unlawful disclosure is a fine up to \$250,000, or imprisonment up to five years, or both.</p>
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<p>Census Bureau</p>		<p>13 USC §9 and 214</p>	<p>Sec. 9. Information as confidential; exception (a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison may, except as provided in section 8 or 16 or chapter 10 of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998. (1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or (2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or (3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports. No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. (b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.</p> <p>Sec. 214. Wrongful disclosure of information Whoever, being or having been an employee or staff member referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 9 of this title, or whoever, being or having been a census liaison within the meaning of section 16⁽²⁾ of this title, publishes or communicates any information, the disclosure of which is prohibited under the provisions of section 9 of this title, and which comes into his possession by reason of his being employed (or otherwise providing services) under the provisions of this title, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.</p>
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NOTES:

Acronyms

AHRQ - Agency for Healthcare Research and Quality

CDC - Centers for Disease Control and Prevention

CFR - Code of Federal Regulations

DOEd - U.S. Department of Education

DOJ - U.S. Department of Justice

HHS - U.S. Department of Health and Human Services

NCES - National Center for Education Statistics

NCHS - National Center for Health Statistics

NIDA - National Institute on Drug Abuse

NIH - National Institutes of Health

NIMH - National Institute of Mental Health

OJP - Office of Justice Programs

PHS - Public Health Service

USC - United States Code