

## ***The Data Stewardship Program***

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### **DS-021, "Policy on Providing Custom Tabulations under Section 8(b) of Title 13 U.S.C."**

#### **PURPOSE**

The purpose of this policy is to state the Census Bureau's procedures for filling requests for special statistical data products under section 8(b) of Title 13 U.S.C. and for providing copies of these products to others. The Census Bureau provides such products in keeping with its mission to collect, tabulate and disseminate data about the nation's people and economy while protecting the confidentiality of all respondents.

#### **LEGAL AUTHORITIES**

Section 8(b) of Title 13 states that the Secretary of Commerce may "furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent...for departments, agencies, and establishments of the Federal Government...state or local agencies, or other public and private persons and agencies upon payment of the actual or estimated cost of such work." The Secretary has delegated this authority to the Director of the Census Bureau.

Section 9(a) of Title 13 provides that the Census Bureau *may not* "...make any publication whereby the data furnished by any particular establishment or individual under this title can be identified." Section 214 of Title 13, as amended by Sections 3559 and 3571 of Title 18, United States Code, provides for a fine of up to \$250,000 or imprisonment of up to five years, or both for violating the Section 9 prohibition on disclosure of individually identifiable information.

The Freedom of Information Act (FOIA) provides for the public disclosure of custom tabulations except in those instances where exemptions to the FOIA prevent their release.

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### **SCOPE**

This policy applies to special data products referred to as “custom tabulations” produced outside the Census Bureau’s regular publication activities for other government agencies, private sector organizations, and the members of the public. For the purpose of this policy, a custom tabulation is: 1) a statistical aggregation of confidential data, collected under the authority of Title 13, that are developed from internal Census Bureau files that are not accessible by the public, or 2) the reorganization of an existing Census Bureau data product by staff requiring either (a) a significant effort or (b) access to files, including underlying source files, that are not easily manipulated by novice or casual data users. Custom tabulations result in new tangible data products prepared to meet specific data use needs of the requester and must meet the Census Bureau’s disclosure avoidance requirements. The Census Bureau provides a service in creating custom tabulations. Requests for custom tabulations may be made formally (e.g., written request) or informally (e.g., telephone call) and the cost to create them is usually, but not always, reimbursed.

### **POLICY**

1. The Census Bureau, as authorized under section 8(b) of Title 13, may produce custom tabulations derived from data protected under section 9 of Title 13 consistent with “Census Bureau Pricing Policy” (PPM B-17).
2. All custom tabulations shall comply with “Census Bureau Standard: Disclosure Review” and the relevant Associate Director’s determination that the work can be accomplished within the mission priorities of the directorate.
3. Prior to agreeing to produce a custom tabulation, the Census Bureau will encourage and help the requester to use available resources, such as the Internet or State Data Centers, to the extent possible.
4. Documentation provided to requesters establishing the agreement to produce custom tabulations will contain language informing them that the identity of the requester and the data product (or a description thereof) is subject to public disclosure.
5. When requested, the Census Bureau will provide copies of any available custom tabulations to the public (including government agencies or private sector organizations) upon the payment of the cost to reproduce, or free of charge if the cost to reproduce is less than the expense to process cost recovery. In addition, the Census Bureau will make available a list of requesters and a description of their custom tabulations upon request.

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### **RELATED POLICIES AND PROCEDURES**

- Policies and Procedures Manual Chapter D-5: Reimbursable Work or Services for Other Agencies, Organizations, and Individuals
- Policies and Procedures Manual Chapter B-17: U.S. Census Bureau Pricing Policy
- Census Bureau Standard: Disclosure Review
- Data Stewardship Policy DS-015: Reimbursable Project Acceptance Policy

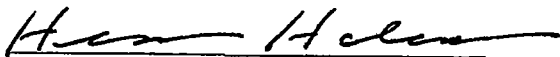
### **IMPLEMENTATION**

The Office of Analysis and Executive Support has overall responsibility for implementing this policy. An implementation guide will contain details of tasks, procedures, and responsibilities for full implementation. The guide will include specific language to be used by division staffs responsible for filling requests to ensure that requesters understand the public nature of custom tabulations.

Divisions will submit information about custom tabulations to the Marketing Services Office (MSO). Where the number and nature of the custom tabulations warrant, as determined by an Associate Director, reporting of individual custom tabulations may be consolidated into a single report. MSO has responsibility for producing a regular, comprehensive report of custom tabulations produced by the Census Bureau. This report will be available to the general public upon request.

Date Policy Becomes Effective: Upon Signature.

Signature:



Hermann Habermann  
Chair  
Data Stewardship Executive Policy Committee

10/20/05  
Date