

Examining Confidentiality Messaging in Establishment Surveys

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Disclaimer: Any views expressed are those of the authors and not necessarily those
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Background

- U.S. federal statistical agencies are required by law to provide specific information about response burden, confidentiality, privacy, and cybersecurity.
- Information conveyed in letters, as initial form of contact with business respondents.
- Recommended language provided by the Department of Commerce (DOC) covering all required information
- Alternative language proposed

Selected Research Questions

- What information in our letters is most important to our respondents?
- Investigating incorporation of legal requirements:
 - Does the burden statement need to be on the front of the letter, as opposed to just the back?
 - Do respondents understand what a ‘System of Records Notice’ (SORN) is and how it relates to their data?

Methodology

- Establishment survey respondents
 - Range of sizes and industries
- Two rounds of testing
 - Round 1
 - 1 hr, in-person interviews at place of business
 - 17 participants
 - Card-sorting
 - Cognitive interviewing
 - Round 2
 - 20-min telephone interviews
 - 7 participants
 - Cognitive interviewing

Interview Topics

- Background info on respondent and company
- Letter ordering and content
- Confidentiality / Privacy Language
- Persuasive messaging

Letter Order

- Card-sorting
 - Respondents were given a stack of cards shuffled in random order
 - Each card has a single statement or letter section on it
 - Respondents order or group the cards in a way that makes the most sense to them
- Respondents were shown actual letter after card-sorting exercise

Letter Ordering

Original Letter

A Message from the Director, U.S. Census Bureau:

- 1
- 2 We are requesting your cooperation with the **2016 Report of Organization**. This survey is used to update the Census Bureau's list of businesses, and provides key source data for the County Business Patterns program and other statistical series. Companies, business analysts, and trade associations use this information in planning investments, production, and marketing.
- 3 **Website:**
Authentication Code:
Due Date:
Contact:
 1. **Sign in OR register** at the website above.
 2. **Add** your authentication code.
 3. **Report** by clicking on "REPORT NOW." You can return to your account over multiple sessions to complete.
- 4
- 5 **YOUR RESPONSE IS REQUIRED BY LAW** and will be kept strictly **CONFIDENTIAL**. We estimate the time to complete this survey varies from 30 minutes for the smallest companies to 25 hours for the largest companies, with an average of 3 hours 24 minutes. Additional information about the authority, confidentiality, and burden of this data collection can be found on the back of this letter.
- 6
- 7 For assistance with completing this survey, please sign into your Census Bureau account or call our toll-free customer help line at 1-844-303-7713, Monday through Friday, 8:00 a.m. to 6:00 p.m. Eastern time.
- 8 **Thank you** in advance for your time and cooperation, and for helping the U.S. Census Bureau measure America's people, places, and economy. Your response makes a difference.
- 9 Sincerely,

John H. Thompson
Director
U.S. Census Bureau

Letter Ordering

Respondents' Preferred Letter

A Message from the Director, U.S. Census Bureau:

1 2

Your firm has been selected to participate in the **2016 Report of Organization**. This survey is used to update the Census Bureau's list of businesses, and provides key source data for the County Business Patterns program and other statistical series. Companies, business analysts, and trade associations use this information in planning investments, production, and marketing.

4

1. **Sign in OR register** at the website above.
2. **Add** your authentication code.
3. **Report** by clicking on "REPORT NOW." You can return to your account over multiple sessions to complete.

3

Website:
Authentication Code:
Due Date:
Contact:

7

For assistance with completing this survey, please sign into your Census Bureau account or call our toll-free customer help line at 1-844-303-7713, Monday through Friday, 8:00 a.m. to 6:00 p.m. Eastern time.

8

Thank you in advance for your time and cooperation, and for helping the U.S. Census Bureau measure America's people, places, and economy. Your response makes a difference.

5

YOUR RESPONSE IS REQUIRED BY LAW and will be kept strictly **CONFIDENTIAL**.

6

Additional information about the authority, confidentiality, and burden of this data collection can be found on the back of this letter.

9

Sincerely,

John H. Thompson
Director
U.S. Census Bureau

Letter Content

- Most respondents did not read entire letter
- Login info and steps were considered most important
- Tested two greetings:
 - Your firm has been selected to participate in the 2016 Report of Organization.
 - We are requesting your cooperation with the 2016 Report of Organization.
 - Made survey sound optional.

Letter Content

- Purposely left burden statement out of the letter card sorting exercise
 - Only one participant noticed it was missing
 - One participant explicitly stated that the burden statement should not be on the front; it was too intimidating

Confidentiality Messaging

Round One

- ‘Authority and Confidentiality’ section on back of letter
 - 9 out of 17 participants did not turn letter over without prompting
 - Most participants admit to only skimming our letters for most important information
- Tested two versions
 - DOC provided Language
 - Proposed Language

Confidentiality Messaging

- General Findings:
 - The majority understood the main message of this section regardless of version.
 - Many participants described this section as ‘boilerplate text,’ ‘like a privacy policy,’ and ‘legal stuff.’
 - Most participants said they would not usually read this section of letter.
 - Nearly all participants felt there was no need to consult legal dept.

Confidentiality Messaging

- DOC Provided Language:

Title 13 United States Code, Sections 131 and 182, authorizes this collection. Sections 224 and 225 require your response. The U.S. Census Bureau is required by Section 9 of the same law to keep your information confidential and can use your responses only to produce statistics. The Census Bureau is not permitted to publicly release your responses in a way that could identify your business, organization, or institution. Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. Section 552a) to be shared among Census Bureau staff for work-related purposes. Disclosure of this information is also subject to all of the published routine uses as identified in the Privacy Act System of Record Notice titled "COMMERCE/CENSUS-4, Economic Survey Collection." Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.

Confidentiality Messaging

- Preferences:
 - Proposed language: 7
 - DOC provided language: 5
 - The other 5 participants had no preference and assumed the statements were equivalent
- Of the participants that preferred the DOC version, most did not fully read the statements. When asked to compare selected sentences from each version, many of these participants admitted that the proposed version was more clearly worded.

Confidentiality Messaging

DOC Provided Language:

Title 13 United States Code, Sections 131 and 182, authorizes this collection. Sections 224 and 225 require your response. The U.S. Census Bureau is required by Section 9 of the same law to keep your information confidential and can use your responses only to produce statistics. The Census Bureau is not permitted to publicly release your responses in a way that could identify your business, organization, or institution. Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. Section 552a) to be shared among Census Bureau staff for work-related purposes. Disclosure of this information is also subject to all of the published routine uses as identified in the Privacy Act System of Record Notice titled “COMMERCE/CENSUS-4, Economic Survey Collection.” Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.

Proposed Language:

This collection is authorized under Title 13 U.S. Code, Sections 131 and 182, and is in accordance with the Privacy Act of 1974 (Title 5 U.S. Code, Section 552a). You are required by law to respond to this survey (Title 13 U.S. Code, Sections 224 and 225). The U.S. Census Bureau is required by Section 9 of the same law to keep your information confidential and can use your responses only to produce statistics. The uses of these data are limited to those identified in the Privacy Act System of Record Notice titled “COMMERCE/CENSUS-4, Economic Survey Collection.” The Census Bureau is not permitted to publicly release your responses in a way that could identify your business, organization, or institution. Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.

Sentence Comparison 1

- DOC Version: “The U.S. Census Bureau is required by Section 9 of the same law to keep your information confidential and can use your responses only **to produce statistics.**”
 - Understood to mean ‘aggregated’ statistics that would not identify their company specifically
- Proposed Version: “The U.S. Census Bureau is required by Section 9 of the same law to keep your information confidential and can use your responses only **to produce statistics.**”
 - No change needed

Sentence Comparison 2

- DOC Version: “**Disclosure of this information is permitted** under the Privacy Act of 1974 (5 U.S.C. Section 552a) to be **shared among Census Bureau staff** for **work-related purposes.**”
 - Confusing; seemed to undermine the previous assurances of confidentiality
 - Implied data could be shared with *any* Census Bureau employee, regardless of need-to-know, which made some of them uncomfortable
 - Participants assumed ‘work-related purposes’ referred to producing statistics, but the others were unsure
- Proposed Version: “This collection is authorized under Title 13 U.S. Code, Sections 131 and 182, **and is in accordance with the Privacy Act of 1974 (Title 5 U.S. Code, Section 552a).**”
 - Eliminated vague, confusing phrases

Sentence Comparison 3

- DOC Version: “Disclosure of this information is also subject to all of the **published routine uses** as identified in the **Privacy Act System of Record Notice titled “COMMERCE/CENSUS-4, Economic Survey Collection.”**”
 - Confusing; none of the participants knew what a SORN was.
 - ‘Published’ is concerning
- Proposed Version: “The **uses of these data are limited** to those identified in the Privacy Act System of Record Notice titled “COMMERCE/CENSUS-4, Economic Survey Collection.””
 - The proposed version had stricter language that implied less people had access to their data than in the DOC version
 - After reading the proposed version, it was easier for participants to make an educated guess as to the purpose of the SORN.

Confidentiality Messaging

Round Two

- Revised 'Authority and Confidentiality' Section based on Round 1
 - This collection is authorized under Title 13 United States Code, Sections 131 and 182. Sections 224 and 225 require your response. The U.S. Census Bureau is required by Section 9 of the same law to keep your information confidential and can use your responses only to produce statistics. In accordance with the Privacy Act, Title 5 U.S. Code, Section 552a, the uses of these data are limited to those identified in the Privacy Act System of Record Notice titled "COMMERCE/CENSUS-4, Economic Survey Collection." The Census Bureau is not permitted to publicly release your responses in a way that could identify your business, organization, or institution. Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.

Findings

- Respondents liked the phrase ‘...the uses of these data are limited...’
- Respondents liked the ‘cannot be publicly released’ portion.
- Business respondents are better equipped to make educated guesses about the contents and purpose of a SORN

Summary

- Your privacy is protected by the Privacy Act, Title 5 U.S. Code, Section 552a. Your responses will be used to produce statistics. There are a limited number of uses of your data permitted under the Privacy Act. You can find a list of these uses in the System of Records Notice named “COMMERCE/CENSUS-4, Economic Survey Collection.” The Census Bureau is not permitted to publicly release your responses in a way that could identify your business, organization, or institution.

Contact

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