

## **BUREAU OF JUSTICE STATISTICS (BJS) MODEL PRIVACY CERTIFICATE**

U.S. Department of Justice regulations at 28 CFR §22.23 require that a Privacy Certificate be submitted as part of any application for a project in which information identifiable to a private person will be collected for research or statistical purposes. The following summarizes the requirements of 28 CFR Part 22 and may be used as a guide to complete the Privacy Certificate.

1. Data identifiable to a private person will not be used or revealed unless it is research or statistical information being used for research and statistical purposes.
2. Identifiable data will be used or revealed only on a need-to-know basis to (a) officers, employees, and subcontractors of the recipient of assistance; and (b) persons and organizations receiving transfers of information for research and statistical purposes only if an information transfer agreement is entered into in which the recipient is bound to use the information only for research and statistical purposes and to take adequate administrative and physical precautions to ensure the confidentiality of the information.
3. Employees with access to data on a need-to-know basis will be advised in writing of the confidentiality requirements and must agree in writing to abide by these requirements.
4. Subrecipients requiring access to identifiable data will only do so in accordance with an information transfer agreement which states that the confidentiality of the data must be maintained and that the information may only be used for research or statistical purposes.
5. Private persons from whom identifiable data are obtained or collected will be advised that the data will only be used for research and statistical purposes and that compliance with requests for information is not mandatory. That is, participation in the research is voluntary and may be withdrawn at any time. *Please note: If the notification requirement is to be waived, an explanation must be contained within or attached to the Privacy Certificate.*
6. Adequate precautions will be taken to ensure the administrative and physical security of the identifiable data.
7. A log indicating that identifiable data has been transferred to persons other than those in BJS or other OJP bureaus or to grantee, contractor, or subcontractor staff will be maintained and will indicate whether the data has been returned or if there is an alternative arrangement for the future maintenance of such data.
8. Project plans will be designed to preserve the anonymity of persons to whom the information relates, including where appropriate, name-stripping, coding of data, or other similar procedures.
9. Project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person.
10. Upon completion of the project, the security of research or statistical information will be protected by either:
  - a. the complete physical destruction of all copies of the materials or the identifiable portions of the materials after a three year required recipient retention period or as soon as authorized by law; or
  - b. the removal of identifiers from the data and separate maintenance of a name-code index in a secure location. *Please note: If you choose to keep a name-code index, you must maintain procedures to secure such an index.*

## PRIVACY CERTIFICATE

Organization Name: \_\_\_\_\_ Vendor Number: \_\_\_\_\_

Project Title: \_\_\_\_\_

Application Number: \_\_\_\_\_

I. Brief description of project:

II. Procedures to notify subjects, as required by 28 CFR §22.23(b)(4) or an explanation if notification is to be waived, pursuant to 28 CFR §22.27(c):

III. Procedures developed to preserve the anonymity of private persons to whom information relates, as required by 28 CFR §22.23(b)(7):

IV. Procedures for data collection and storage, as required by 28 CFR §22.23(b)(5):

V. Procedures for the final disposition of data, as required by 28 CFR §22.23(c) and §22.25:

VI. List of individuals having access to data, as required by 28 CFR 22.23(b)(2):

Principal Investigator(s)

\_\_\_\_\_  
\_\_\_\_\_

Project staff

\_\_\_\_\_  
\_\_\_\_\_

Information technology personnel

\_\_\_\_\_  
\_\_\_\_\_

Subcontractors or consultants

\_\_\_\_\_  
\_\_\_\_\_

Additional lines may be added, as needed. Staff signatures are required in the next section.

Grantee<sup>1</sup> certifies that --

- *data identifiable to a private person*<sup>2</sup> will not be used or revealed, except as authorized under 28 CFR Part 22, Sections 22.21 & 22.22.
- access to the data will be limited to those employees having a need for such data and that such employees shall be advised of and agree in writing to comply with the regulations in 28 CFR Part 22.
- all contractors, subcontractors, and consultants requiring access to identifiable data will agree, through conditions in their subcontract or consultant agreement, to comply with the requirements of 28 CFR §22.24 regarding information transfer agreements and that the Bureau of Justice Statistics (BJS) will be provided copies of all transfer agreements before they are executed as well as the name and title of the individuals with the authority to transfer data.
- if applicable, a log will be maintained indicating that (1) identifiable data have been transferred to persons other than employees of BJS and other Office of Justice Programs bureaus and offices, or grantee/contractor/subcontractor staff; and (2) such data have been returned or that alternative arrangements have been agreed upon for future maintenance of such data, in accordance with 28 CFR §22.23(b)(6).
- any private person from whom identifiable information is collected or obtained shall be notified, in accordance with 28 CFR §22.27, that such data will only be used or revealed for research or statistical purposes and that compliance with the request for information is not mandatory.
- project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person, except as authorized by 28 CFR §22.22.
- adequate precautions will be taken to ensure administrative and physical security of identifiable data and to preserve the confidentiality of the personally identifiable information.
- all project personnel, including subcontractors, have been advised of and have agreed, in writing, to comply with all procedures to ensure the confidentiality of data identifiable to a private person.
- the procedures are accurately described above and will be adhered to by project staff, as well as subcontractors and BJS shall be notified of any material change in any of the information provided in this Privacy Certificate.

All project staff, including information technology personnel, subcontractors, and/or consultants, with access to identifiable data in conjunction with the BJS-funded activities are required to sign this Privacy Certificate to affirm their understanding of and agreement to comply with the terms of access and privacy requirements.

The grantee is responsible for maintaining an updated staffing list of individuals with access to identifiable data and for submitting a current list to BJS with its semi-annual progress reports. All individuals who are granted access to identifiable data during the project period are required to sign a Privacy Certificate. The grantee must retain copies of all signed Privacy Certificates as an auditable requirement, and should be prepared to submit them to BJS upon request.

**Signature(s):**

Principal Investigator \_\_\_\_\_ Date \_\_\_\_\_

Institutional Representative \_\_\_\_\_ Date \_\_\_\_\_

Other project staff, including information technology personnel, subcontractors, and/or consultants, with access to identifiable data:

Name and title \_\_\_\_\_ Date \_\_\_\_\_

Name and title \_\_\_\_\_ Date \_\_\_\_\_

Name and title \_\_\_\_\_ Date \_\_\_\_\_

Name and title \_\_\_\_\_ Date \_\_\_\_\_

Name and title \_\_\_\_\_ Date \_\_\_\_\_

Name and title \_\_\_\_\_ Date \_\_\_\_\_

Additional signature lines may be added, as needed.

\_\_\_\_\_

<sup>1</sup> The term "grantee" refers to all recipients of federal funds awarded by the Bureau of Justice Statistics.

<sup>2</sup> *Information identifiable to a private person* is defined in 28 CFR §22.2(e) as "Information which either (1) Is labelled by name or other personal identifiers, or (2) Can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular private person."

**Updated: July 17, 2017**