

TITLE 13 - CENSUS
CHAPTER 1 - ADMINISTRATION
SUBCHAPTER I - GENERAL PROVISIONS

§ 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 or section 2(f) of the Census of Agriculture Act of 1997—

- (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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 87–813, Oct. 15, 1962, 76 Stat. 922; Pub. L. 101–533, § 5(b)(2), Nov. 7, 1990, 104 Stat. 2348; Pub. L. 103–430, § 2(b), Oct. 31, 1994, 108 Stat. 4394; Pub. L. 105–113, § 4(a)(1), Nov. 21, 1997, 111 Stat. 2276; Pub. L. 105–119, title II, § 210(k), Nov. 26, 1997, 111 Stat. 2487.)

Historical and Revision Notes

Based on title 13, U.S.C., 1952 ed., §§ 73, 83, 122, 208, 211, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (Aug. 7, 1916, ch. 274, § 3, 39 Stat. 437; Apr. 2, 1924, ch. 80, § 3, 43 Stat. 31; June 18, 1929, ch. 28, §§ 8, 11, 21, 46 Stat. 23, 25, 26; July 25, 1947, ch. 331, 61 Stat. 457; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Sept. 7, 1950, ch. 910, § 2, 64 Stat. 784).

Section consolidates parts of sections 73 and 83 of title 13, U.S.C., 1952 ed., part of section 208 of such title, section 211 of such title, that part of section 122 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of manufacturers, the mineral industries, and other businesses (see subchapter I of chapter 5 of this revised title), that part of section 252 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of governments (see subchapter III of chapter 5 of this revised title), the second proviso in such section 252, and that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such sections 208 and 211 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title).

Words “except as provided in section 8 of this title” were inserted in opening phrase of subsection (a) for the purpose of clarity.

References to the Secretary, the Department of Commerce and bureaus and agencies thereof, and to other officers and employees of such Department, bureaus or agencies, were substituted for references to the Director of the Census, the “Census Office”, and the enumeration (in section 208 of title 13, U.S.C., 1952 ed.) of certain types of employees, for

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

the purpose of completeness, and to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

The penal provisions of sections 73, 83, and 208 of title 13, U.S.C., 1952 ed., prescribing penalties for wrongful disclosure of information, are set out in section 214 of this title.

Changes were made in phraseology.

For remainder of sections 122, 208, and 252 of title 13, U.S.C., 1952 ed., and of section 1442 of title 42, U.S.C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

References in Text

Section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, referred to in subsec. (a), is section 210 of Pub. L. 105–119, title II, Nov. 26, 1997, 111 Stat. 2483, which amended this section and enacted provisions set out as a note under section 141 of this title.

Section 2(f) of the Census of Agriculture Act of 1997, referred to in subsec. (a), is classified to section 2204g (f) of Title 7, Agriculture.

Amendments

1997—Subsec. (a). Pub. L. 105–119, which directed the substitution, in introductory provisions, of “of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—” for “of this title—”, was executed by substituting “of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998” for “of this title” to reflect the probable intent of Congress and the amendment by Pub. L. 105–113. See below.

Pub. L. 105–113 inserted “or section 2(f) of the Census of Agriculture Act of 1997” after “chapter 10 of this title”.

1994—Subsec. (a). Pub. L. 103–430 inserted “or local government census liaison,” after “thereof,” and “or 16” after “section 8”.

1990—Subsec. (a). Pub. L. 101–533 inserted “or chapter 10” after “section 8”.

1962—Subsec. (a). Pub. L. 87–813 inserted sentences stating that 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, and providing that 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, be admitted as evidence or used for any purpose in any action, suit or other judicial or administrative proceeding.