

Appendix C: Privacy Certificate

Grantee¹, Cindy J. Smith, Ph.D. and National Correctional Industries Association of Baltimore, certifies that data *identifiable to a private person*² will not be collected, used or revealed, except as authorized in 28 CFR Part 22, Sections 22.21 & 22.22.

Grantee certifies that 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 and each state's laws.

Grantee certifies that 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.

Grantee certifies that, if applicable, a log will be maintained indicating that (1) identifiable data have been transferred to persons other than employees of BJA 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).

Identifiable information will be collected under this study. Therefore, notification of all persons from whom information is collected or obtained in accordance with 28 CFR §22.27 will include a statement that such data will only be used or revealed for research or statistical purposes and that compliance with the request of information is not mandatory and participation in the project may be terminated at any time.

Grantee certifies that project plans will be designed to preserve the confidentiality of private persons to whom information relates, including where appropriate, coding of data, or other similar procedures.

Grantee certifies that 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.

Grantee certifies that adequate precautions will be taken to ensure administrative and physical security of identifiable data and to preserve the confidentiality of the personally identifiable information.

¹ Cindy J. Smith is the Principal Investigator for this project; working on behalf of National Correctional Industries Association of Baltimore.

² *Information identifiable to a private person* is defined in 28 CFR §22.2(e) as "information which either—(1) Is labeled 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 person."

Grantee certifies that all project personnel, including subcontractors, have been advised of and have agreed, in writing, to comply with all procedures to protect privacy and the confidentiality of personally identifiable information.

To comply with the regulations in 28 CFR Part 22, the following safeguards are incorporated into the grant application.

Brief Description of the Project:

This goal of this study is to examine the effects of PIE participation in the following ways: 1) reducing recidivism as compared to traditional industries work or no work and under what conditions and for which inmates; 2) to clarify if PIE participation increases post release employment as compared to traditional industries work or no work and under what conditions and for which inmates; and 3) to clarify if PIE participation reduces disciplinary reports as compared to traditional industries work or no work and under what conditions and for which inmates.

The data will be collected from automated files, hard-copy files, interviews with employees of agencies, and observations of facilities (not of inmates).

Procedures to notify subjects, as required by 28 CFR §22.23(b)(4) or, if notification is to be waived, pursuant to 28 CFR §22.27(c), please provide a justification:

All individuals interviewed will be provided an Informed Consent (see attachment), which will be read to the individual, if necessary.

Subjects will be identified through administrative and institutional inmate records based on their participation or denial to participate in work programs who meet the criteria of having been released from the Department Of Correction (DOC) within the time frame of January 1996 through June 2001. Identifiable data will be collected from these automated data systems ($n=$ ~2400). A list of the subject's identifiable information (name, date of birth, social security number, and sometimes a state identification number) will be shared with the state's Law Enforcement Department (LED) and the state's Employment Security Commission (ESC) to collect further records on the sample subjects. The LED will provide criminal history data and the ESC will provide employment data. The identifiers will be used to match the three datasets. The identifiers will be used to retrieve hard copy files at the DOC and Probation and Parole Offices.

It would be impractical / impossible to locate this often transient population to request permission to include them in the study. Additionally, the time expended would considerably delay the research.

Procedures developed to preserve the confidentiality of personally identifiable information, as required by 28 CFR §22.23(b)(7) :

The personal identifiers will be maintained in the automated datasets until all matching and verification has been completed. Automated data files will be kept on a password protected computer. Only project staff will have knowledge of the password and access to the computer.

During data collection from the hard copy files, the DOC number will be used as an identifier on the hard copy data collection forms. This number will be used to request the hard copy files from the DOC personnel. The forms will be maintained and transported to and from the facility in a locked briefcase until they are safely deposited in a file cabinet with a swing hinge bar lock and padlock in the Research Offices. Only project staff will have access to the key.

Interviewees names will be recorded on a sheet of paper and assigned a control number. Only the control number will be placed on the Interview protocol. Additionally, facilities observation records will be handled the same way. The control sheet of paper will be maintained locked separately from the interview protocol and the observation papers.

No personal identifying information will appear in any project findings or reports – only statistical information. Personnel will be trained in confidentiality issues and sign a statement that they understand the implications of confidentiality and agree to abide by the requirements.

Justification for the collection and /or maintenance of any data in identifiable form, if applicable:

A list of the subject's identifiable information (name, date of birth, social security number, and sometimes a state identification number) will be shared with the state's Law Enforcement Department (LED) and the state's Employment Security Commission (ESC) to collect further records on the sample subjects. The LED will provide criminal history data and the ESC will provide employment data. The identifiers will be used to match the three datasets. The identifiers will be used to retrieve hard copy files at the DOC and Probation and Parole Offices.

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

All hard copy data will be stored in a file cabinet equipped with a swing bar lock and padlock and accessible only to project staff. The key to the locked file cabinet will be available only to project staff. Electronic data sets will be stored on computers accessible only to project staff with a password that will be available to project staff only.

Description of any institutional limitations or restrictions on the transfer of data in identifiable form, if applicable:

N/A

Name and title of individual with the authority to transfer data:

Cindy J. Smith, Ph.D.

Procedures to insure the physical and administrative security of data, as required by 28 CFR §22.25(b), including, if applicable, a description of those procedures used to secure a name index:

Once all data sets are matched using the identifiers, a unique identifier will be created and all identifiers will be removed. An original set of identifiers will be matched to the unique identifier on a ID-code index and placed in a secure location, along with the interviewees' and facility observations' control sheets. The secure location will be a locked file cabinet separate from all data in the project.

Procedures for final disposition of data, as required by 28 CFR §22.25:

Identifiable data will be maintained for three years after completion of the project in compliance with audit requirements after which time it will be destroyed. It is possible that the NCIA may request to use the same sample in a follow-up study within that three year window, at which time the NCIA will request IRB approval for that study. In this case, the identifiers may be maintained during that study as if they were new identifiers.

In keeping with the Office of Justice Programs (OJP) policy of supplying all datasets developed under their funding initiatives, a sanitized dataset will be developed and forwarded to ICPSR at the end of the study. This dataset will not include any individual identifiers. If by combination of several variables, a person can be identified, the categories will be collapsed in such a way as to prevent identification or the cases will be deleted from the dataset. ICPSR handbook will be used as a guideline to remove identifiable data.

Name and title of individual authorized to determine the final disposition of data:

Cindy J. Smith, Principal Investigator

Access to data is restricted to the following individuals, as required by 28 CFR §22.23(b)(2):

Principal Investigator: Cindy J. Smith

Project Staff: 4 staff to be hired

Contractors, Subcontractors, and / or consultants:

The identifiable data will be shared with each respective state's Law Enforcement Department and the Employment Security Commission with the sole purpose of obtaining additional data on each subject. The Agencies will use the identifiers to match the data and then return the list with the data file to the researchers.

Grantee certifies that the procedures described above are correct and shall be carried out.

Grantee certifies that the project will be conducted in accordance with all the requirements of the Omnibus Crime Control and Safe Streets Act of 1968 as amended and the regulations contained in 28 CFR Part 22.

Grantee certifies that **BJA** shall be notified of any material change in any information provided in this Privacy Certificate.

Signature(s): _____ (Principal Investigator)

(Institutional Representative)

Date: _____