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Description of document: Letter from the Department of Commerce (DOC) Office of Inspector General (OIG) to Office of Personnel Management (OPM) Director John Berry dealing with the Federal Employee Viewpoint Survey, 2013

Requested date: 20-September-2015

Released date: 07-October-2015

Posted date: 15-February-2016

Source of document: FOIA Officer
Office of Inspector General
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 7898C
Washington, DC 20230
Fax: 202-501-7335
Email: FOIA@oig.doc.gov
[Online FOIA Request Form](#)

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UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

October 7, 2015

VIA E-MAIL

RE: FOIA Request No. DOC-OIG-2015-001995

This letter is regarding your Freedom of Information Act (FOIA) request, tracking number DOC-OIG-2015-001995, dated September 20, 2015 and received by the Department of Commerce, Office of Inspector General (OIG) on September 28, 2015, in which you seek “a copy of the February 11, 2013 letter from the Commerce Department Inspector General to OPM Director John Berry, and copied to DOC Secretary Deputy Secretary Blank, dealing with the Federal Employee Viewpoint Survey.”

A search of records maintained by the OIG has located two (2) pages that are responsive to your request. After consulting with the Office of Personnel Management (OPM) over the release of these pages, we have reviewed them under the terms of FOIA and have determined that all two (2) pages may be released to you in full. Copies of these pages are enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. II 2014). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification to all OIG requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions, please contact me via email at FOIA@oig.doc.gov, or by phone at (202) 482-5992.

Sincerely,

A handwritten signature in blue ink, appearing to read "Raman Santra".

Raman Santra
FOIA Officer

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
The Inspector General
Washington, D.C. 20230

February 11, 2013

The Honorable John Berry
Director
U.S. Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000

Dear Director Berry:

This letter serves to follow up on a previous conversation that our Office of Inspector General had with your staff. We contacted your office last month concerning a data confidentiality issue related to OPM's posting of the 2012 Employee Viewpoint Survey results, for the first time, as public use data files. The survey, administered between April 2 and June 30, 2012, promised to keep federal employee responses confidential; however, with the release of this information, individual employee responses were at risk for identification.

In order to improve our operations, my office has developed employee-led teams to analyze the results of the survey, bring to bear their personal experiences, and provide specific proposed solutions for management decision-making. As part of this process, on January 30, 2013, we downloaded the Employee Viewpoint Survey microdata files and began creating special tabulations. On January 31, 2013, we discovered that, due primarily to the small size of our office, we could easily identify individual employee survey responses by analyzing the data. Concerned that other offices of similar size could easily replicate our process and results, we immediately contacted OPM and described the issue. Your staff called a meeting, agreed with our findings, and removed the data files from the website within hours.

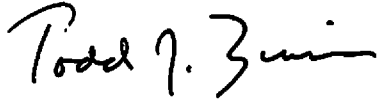
We commend your staff for its rapid response; however, they told us that the data files had been publicly available for several weeks. Given the length of time that this information was posted and available for similar tabulations, there is some continuing risk to the confidentiality of the survey responses.

We believe that OPM is responsible for determining the best course of action. It is increasingly difficult to produce public use data files that minimize the identification of individuals, given the availability of information that can be easily combined via information technology. Major federal statistical agencies, such as the U.S. Census Bureau, employ disclosure review boards to independently review and approve the release of their public use data files. The development of an independent disclosure review process may provide great value to your office.



My staff is willing and able to provide assistance and further information about these processes. Please feel free to contact me at (202) 482-4661 if you wish to discuss this issue further.

Sincerely,

A handwritten signature in black ink that reads "Todd J. Zinser". The signature is written in a cursive style with a large, stylized "Z" at the end.

Todd J. Zinser

**cc: The Honorable Rebecca M. Blank, Deputy Secretary, U.S. Department of Commerce
The Honorable Patrick E. McFarland, Inspector General, OPM**