

UNITED STATES DEPARTMENT OF AGRICULTURE
INTERAGENCY AGREEMENT
BETWEEN
FARM SERVICE AGENCY
AND
NATIONAL AGRICULTURAL STATISTICS SERVICE

AGREEMENT NUMBER: FSA/NASS-001-2016
58-3AEU-7-0001M

1. Description or Reason for this Agreement

- 1.1. This Interagency Agreement (IAA) is being established to document a data sharing arrangement between the U.S. Department of Agriculture's Farm Service Agency (FSA) and National Agricultural Statistics Service (NASS).
- 1.2. FSA and NASS have complementary missions that make the sharing of data advantageous to both agencies. The sharing of data will increase effectiveness and efficiency in the delivery of USDA products and services to the FSA and NASS respective and mutual customer bases.
- 1.3. Data sharing under this IAA will be accomplished to support the administration and implementation of FSA and NASS programs, with a special focus being placed on FSA and NASS delivery of timely, accurate, and useful agricultural data and statistical information in service to and support of the Nation's agricultural community.
- 1.4. FSA and NASS recognize that by sharing program data they may more effectively ensure compliance with existing Federal statutes and USDA directives and regulations, heighten program integrity, reduce program costs, eliminate the need for duplication of effort, and enhance and improve FSA and NASS capability to successfully complete their assigned mission.

2. Authority

- 2.1. This IAA is authorized by the Privacy Act of 1974 (5 USC § 552a) that allows data sharing among Departmental employees who have a need for the information in the performance of their duties and is authorized by applicable provisions contained within the E-Government Act of 2002 (Pub. L. 107-347).
- 2.2. The data described in this IAA is collected pursuant to numerous laws, including, but not limited to, the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. § 714 et seq.), Census of Agriculture Act of 1997 (Public Law 105-113, November 21, 1997), US Code, Title 7, Section 2204, Consolidated Farm and Rural Development Act (CONACT) (Pub. L. 109-171 - as amended), Food Security Act of 1985 (Pub. L. 99-198), Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246), and Agricultural Act of 2014 (Pub. L. 113-79).

3. Fiscal Obligations

3.1. This IAA defines in general terms the basis upon which FSA and NASS will share data. This IAA is neither a fiscal nor funds obligating document. No onetime, recurring, or continuing fiscal responsibilities or obligations are being created through the activation, implementation, and execution of this IAA.

3.2. If a currently unknown circumstance or situation should occur and the need for a fiscal or funds obligating document later be identified, any endeavor by either agency that involves an: (1) expenditure or contribution of funds, (2) reimbursement; or (3) transfer of anything of value on the part of the other agency must be agreed upon in advance by both FSA and NASS. Any such agreement and must be documented in writing.

3.2.1. If required, FSA and NASS shall develop an appropriate fiscal or funds obligating document that is independent of this IAA. That document shall specifically detail the fiscal responsibilities and obligations of both agencies.

3.2.2. Any endeavors that do involve the (1) expenditure or contribution of funds (2) reimbursement, or (3) transfer of anything of value on the part of the other agency (e.g. such as County Estimates, Cash Rents, Grain Prices, and Peanut Price surveys) will be handled in accordance with normal Government financial procedure, and will be properly documented by using form AD-672. FSA and NASS shall seek to have any recurring endeavors funded by appropriations (if possible).

4. Points of Contact or Responsible Individuals

4.1. The respective Points of Contact for FSA and NASS are:

FSA	NASS
Joy Harwood, Director,	Edwin Anderson
Economic and Policy Analysis Staff	Economics and Environmental Section Head
USDA – Farm Service Agency	USDA – National Agricultural Statistics Service

4.2. Changes to the listed points of contact will not nullify any of the provisions of this IAA. When applicable, responsibility for operational enforcement of the provisions of this IAA will transfer to the replacement points of contact. FSA and NASS shall notify each other when changes to their respective points of contact occur. Changes to the points of contact shall not require an addendum to this IAA.

5. FSA Agrees to Work with NASS Headquarters and Regional Field Offices to:

5.1. Continue to make available on a timely basis crop acreage data reported to FSA for the various commodity programs and provide access to FSA Crop Acreage Reporting Data Mart (CARDM) for use by NASS in its ongoing statistics program.

5.2. Provide producer-level information to NASS from various FSA electronic databases. At the request of NASS, FSA provided information can include program participant names, addresses, personal identifiers, and associated information such as crop acreages, wool and mohair production, honey production, Conservation Reserve Program acreage, geographic or Common Land Unit (CLU) boundary and attribute data, and payment data.

- 5.3. Support NASS Field Offices and National Association of State Departments of Agriculture (NASDA) enumerators contracted by NASS in data collection activities.
- 5.4. Assist NASS in developing and maintaining current lists of landowners and farm operators by providing guidance on the use of producer-level databases.
- 5.5. Use NASS ADM-042, *Request to Access Unpublished Data*, to initiate requests to NASS to provide special statistical data and official estimates not currently provided under the ongoing series of official Federal estimates.
- 5.6. Use NASS ADM-042, *Request to Access Unpublished Data*, to initiate requests to NASS to provide access to producer or operation level data following NASS process to use the NASS Data Lab for statistical research.
 - 5.6.1. All employees approved to access unpublished data for statistical research shall be required to sign a witnessed certification of compliance with the laws and regulations regarding confidentiality and other restrictions before receiving access to data. Certifications shall be completed on NASS ADM-043, *Certification and Restrictions on Use of Unpublished Data*.
- 5.7. Provide NASS access to, and to the extent practicable, guidance on various FSA electronic databases and data warehouses that contain crop acreage, name, address and other such data without charge. As necessary, FSA shall provide NASS with the computer codes needed to access FSA electronic databases (if such code has been developed by FSA for its internal uses).
- 5.8. Cooperate on geo-coding projects such as researching the mutual benefits for the NASS Cropland Data Layer and FSA's Common Land Unit Geographic Information System (GIS).
- 5.9. Permit NASS to electronically copy and store the program data that is provided by FSA.
- 5.10. Ensure established confidentiality and disclosure policies are followed for all data provided by NASS.

6. NASS Agrees to Work with FSA to:

- 6.1. Provide FSA with all National and State publications and releases of current and historical statistical data immediately after publication, as requested.
- 6.2. Provide FSA Washington D.C. personnel training to use Quick Stats, the internet database of official NASS estimates.
- 6.3. Provide FSA with official NASS estimates of county, State, and National crop acreage, production, and yields as mutually agreed upon by the two agencies.
- 6.4. Provide FSA with official NASS estimates to be used in the administration of Farm Bill programs. Official and unpublished data on prices received by farmers and marketing weights for other uses as needed and agreed upon by the two agencies through an approved NASS ADM-042, *Request to Access Unpublished Data*.
- 6.5. Assist FSA in the administration of various Farm Bill programs by providing published and unpublished NASS estimates at the county, State and National levels. NASS will also provide

advice to FSA on how to interpret and utilize NASS data, as they relate to FSA programs. NASS will treat all requests by FSA with high priority. Unpublished estimates will be provided by NASS to the extent confidentiality and statistical reliability restraints are not compromised. All ADM-042, *Requests to Access Unpublished Data*, should be submitted to and are contingent upon approval by the NASS Chairperson, Agriculture Statistics Board.

6.6. Provide FSA advice and consultation on statistical methodology to support FSA analysis needs without charge.

6.7. Provide FSA statistical programming assistance and subject matter experts for projects, including projects guided by OMB Memorandum-14-06, *Guidance for Providing and Using Administrative Data for Statistical Purposes*, as agreed upon by both agencies.

6.8. Maintain security to prevent unauthorized use of FSA computer software, hardware, and data that NASS accesses, and FSA data transformed by NASS, including, but not limited to, data associated with tax identification numbers and Social Security numbers.

6.9. Ensure NASS and FSA confidentiality policies are applied to data collected from the FSA State and county offices.

6.10. Provide sufficient advance written notice of the types of FSA data to which NASS seeks access.

6.11. Bear the cost of direct access and processing by NASS of FSA data stored on any FSA mainframe, data warehouse, or other storage system.

6.12. Provide, at FSA's request, files and details of data directly accessed, purposes for which such data are being used by NASS, and programming code NASS may have developed to transform FSA data.

6.13. Provide FSA access to producer- and operation-level NASS databases in the NASS Data Lab housed in the South Building for approved requests. Databases to which FSA will have access in the NASS data lab will include Census of Agriculture, Agricultural Resource Management Survey (ARMS) and other survey data as approved by NASS for statistical research.

6.14. Provide its own Regional and State Field Offices with data or subsets of such data as listed above that are made available by FSA to NASS headquarters personnel, and ensure that the confidentiality of such data is maintained by NASS Regional and State Field Offices in the same manner as such data are confidentially maintained by NASS headquarters personnel.

7. Data to be Shared

7.1. The data that could be shared under this IAA shall include, but is not limited to, the following data types:

- Tax identification and contact information for current or prospective producers and business entities.

Note: FSA defines a producer as an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the

crop available for marketing from the farm, or would have shared had the crop been produced.

Note: FSA defines a business entity as the legal structure under which an agricultural operation (e.g. farm, ranch, processor) is organized and operated.

- Information provided by current or prospective producers and business entities in order to participate in a USDA program (e.g. data supporting current or prospective producer and business participation in a Department program, etc.).
- Information generated by USDA as a result of the current or prospective producer or business entity, as defined above, attempting to participate or actually participating in a USDA program.
- Current and prior crop year(s) electronic report acreage information reported by producers, and acreage determined by FSA, as applicable, and farm and producer identifiers.

Note: Includes NASS access to the FSA Crop Acreage Reporting Data Mart (CARDM) for use in the ongoing statistics program.

- Agricultural production information (e.g. crop, practice, type and intended use with regard to acreage, physical location of reported data, production shares, planting and harvesting information, crop conditions, storage information, actual crop production amounts, actual crop yields, acreage information reported by producers, acreage determined by FSA, cropland acres, farmland acres, specific crop acres, intended use information, number of livestock, irrigated and non-irrigated data).
- Digital imagery and geospatial Information System (GIS) data. This includes the fully and properly attributed Common Land Unit (CLU) data. Includes information listed in the jointly-maintained *Manual for Managing Geospatial Datasets* in Service Centers to include digital imagery, soil survey, administrative boundaries, and easement boundaries.
- Compliance detail data to include tract, producer data, and confirmation of contract termination.
- Producer payment information, including payment information and the names and addresses of recipients of payments (e.g. information from the Direct Attribution Payment File).
- Electronic production data and information used by both FSA and NASS to establish and determine accurate program and monetary benefits.
- Available documentation and metadata pertaining to the shared data.

7.2. The data type list above is general and descriptive in nature and therefore is not meant to be

all inclusive. FSA and NASS shall work together to identify the specific data types that need to be shared in order for FSA and NASS to accomplish any joint or respective mission.

8. Data Sharing

8.1. FSA and NASS agree to provide each other with shared data at a reasonable frequency, in a format and mode agreed upon between the agencies for each particular set of data, and in compliance with all security and privacy statutes and regulations.

8.2. To ensure the shared data is well suited to the purposes to which it will be put, it is critical that FSA and NASS are kept informed as to how the other agency intends to utilize the shared data. To ensure full and complete awareness of how shared data will be used, before a new project (e.g. research, analysis, study, operational program, professional presentation, etc.) begins, FSA and NASS shall provide each other with advance notification concerning how the other agency intends to utilize shared data in a planned project.

8.2.1. As the subject matter experts on agency held data, FSA and NASS shall retain the right to approve and disapprove how the other agency utilizes shared data. Upon notification of a planned project, FSA or NASS can review the other agency's proposed use of the shared data and in writing, provide an approval and disapproval determination concerning the other agency's use of the shared data in the planned project. If no determination is provided, the proposed use is considered to be approved.

8.2.2. At a mutually agreed upon point, FSA and NASS shall provide each other with an annual report outlining the results of completed projects and status of ongoing projects that have been or are being conducted using data shared under this IAA.

8.2.3. Prior to operational use of the material, FSA and NASS shall provide each other with the opportunity to review and comment on products developed using data shared under this IAA that reflect FSA or NASS decision making positions on economic, programmatic, and policy issues related to FSA or NASS agriculture operations.

8.3. FSA and NASS agree to deliver data in the most timely and efficient manner and method available. This IAA does not preclude the use of any data transfer media and method provided that the data transfer can be made in full compliance with applicable security and privacy statutes and regulations.

8.4. FSA and NASS have live interconnections for FSA's CARDM database and the Compliance Query Tool.

8.5. Other data to be exchanged by FSA and NASS will be done using a zipped, encrypted electronic file transfer methodology. The electronic files are compressed and encrypted using AES 256-bit encryption. The password used to encrypt the electronic file shall be shared only with individuals that have a verified business need to know the data and statistical information in order to perform their official duties. The decryption password shall not be included in the same package as the encrypted electronic media. When using the physical transportation system, the decryption password can be provided using a different mailing or via electronic means such as e-mail, telephone, fax, Office Communicator, etc.

8.6. FSA and NASS will share geospatial information (i.e., fully and properly attributed CLU data) through the USDA Geospatial Data Gateway. The ability to access data through the Geospatial Data Gateway shall be restricted to only those FSA or NASS authorized individuals who have been granted the appropriate access clearances and permissions based on the individual's demonstrated business need to know the information in order to perform their assigned official duties.

8.7. FSA shall provide NASS with access to the FSA Compliance Query Tool (CQT) with NASS systems and software. FSA shall also provide NASS connectivity to the Crop Acreage Reporting Data Mart (CARDM) for weekly crop data reporting.

8.7.1. For other FSA systems that contain FSA compliance detail data, FSA is committed to fulfilling NASS requests for specific data pulls of the compliance data from those systems as a quality assurance measure. Such requests by NASS are to be made through the FSA point of contact or responsible individual.

8.8. When FSA data is directly accessed, received, copied or transformed in any manner by NASS, or if identifiable FSA data are merged or incorporated with NASS data, but the data has not been publicly released, then FSA and NASS mutually agree with respect to such data that (1) FSA retains exclusive right to first public release if FSA data are distinguishable from NASS data, (2) Public release by NASS requires prior written approval from the FSA Administrator or a designated FSA point of contact or responsible individual, and (3) FSA may publicly release such data without attributing the data to NASS.

8.9. FSA and NASS mutually agree with respect to NASS data that have not been publicly released that (1) NASS data will be used exclusively for internal analysis by FSA and in an undistinguishable form when presented to the Under Secretary for Farm and Foreign Agricultural Services unless prior written approval is granted by the NASS Chairperson, Agricultural Statistics Board or a designated NASS point of contact or responsible individual to publicly release such data, (2) FSA employees must sign a NASS Confidentiality Agreement before they receive, have access to, or use NASS unpublished data, and (3) NASS unpublished data are provided with the understanding that such data are potentially less statistically reliable than published data, and should be treated accordingly.

8.10. To reduce redundant storage of large tabular and spatial datasets, where possible FSA and NASS will utilize electronic information storage solutions that will enable both agencies to access a single data file containing the jointly used data.

8.11. Metadata will be provided where reasonable and feasible. All official geospatial data shared between FSA and NASS shall comply with metadata standards described by the Federal Geographic Data Committee (FGDC).

8.12. Disasters and Other Contingencies. FSA and NASS will immediately notify the other agency in the event of a natural or man-made disaster or other contingency that disrupts the normal sharing of data. Depending on the nature and severity of such a disaster or contingency, FSA and NASS will gather additional information and ensure that any required further notification concerning the event is provided.

8.13. Material Changes to Data Configuration. FSA and NASS will report planned technical

changes to the data structure to the other agency before such changes are implemented. All planned technical changes will be supported by a risk assessment.

8.14. Delayed Transmission Notification. FSA and NASS will notify the other agency of any delay in anticipated data transmission.

9. Access to Data After it is Shared

9.1. The data being shared is Controlled Unclassified information (CUI) that requires safeguarding or dissemination controls pursuant to and consistent with applicable Federal statutes and USDA directives and regulations.

9.2. All FSA and NASS employees and contractors granted access to the shared data will have undergone a successful Background Investigation and as a result of successful adjudication, will have been granted access to USDA controlled facilities and USDA information systems. All FSA and NASS employees and contractors granted access to shared data will take all mandatory information security awareness training and will sign all applicable data access and protection acknowledgments of responsibility.

9.3. Consistent with applicable Federal statutes and USDA directives and regulations concerning protected data, FSA and NASS shall restrict access to the shared data. Disclosure of the data being shared shall be restricted to only those authorized USDA employees, contractors, grantees, experts, consultants, and others performing or working on a contract, grant, cooperative agreement, or other assignment for USDA who have (1) the appropriate access clearances and permissions and (2) a demonstrated business need to know the information in order to perform their assigned official duties.

9.4. FSA and NASS are individually responsible for ensuring that all data shared is processed in full compliance with data security and privacy requirements as identified by the applicable Federal statutes, Office of Management and Budget guidance, Executive Orders, USDA directives and regulations (including cyber security policies), as well as within any specific policies and directions promulgated by FSA and NASS.

9.5. Data shared will carry the same protection provisions for usage and protection as if the data were within the control of the provisioning agency. All applicable privacy, disclosure, and withholding statutes, procedures, rules, and regulations shall follow the data wherever it is transferred and stored. FSA and NASS shall ensure that personnel in each agency are made aware of all applicable proper use and allowed disclosure restrictions and guidance concerning the protected data shared under this IAA.

9.6. Shared protected data shall not be transferred to any third party or a location outside of the agency's control without first notifying the other agency and receiving concurrence in writing unless otherwise required by law.

9.7. Disclosure of shared protected data to a third party shall have the mutual written approval of both FSA and NASS. When shared protected data is approved for disclosure to a third party, the data sharing shall be documented in a written agreement. The applicable agreement governing the disclosure of shared protected data to a third party shall be very specific as to the allowed use, required protection, disposition of the data, and penalties that are applicable should unauthorized use or unauthorized disclosure of the protected data occur.

10. Data Quality

10.1. High quality data is key to this IAA. FSA and NASS have a responsibility to put reasonable effort toward producing reliable and accurate data, maintaining that accuracy, and when possible, improving the accuracy over time. However, it is understood that there may be different interpretations of quality, and if this occurs, FSA and NASS shall reach an agreement concerning a definition of quality that is acceptable to both FSA and NASS and does not compromise the data integrity.

10.2. It is the responsibility of the provider of the data (i.e. FSA or NASS) to ensure the accuracy of the data and to apply any corrections to inaccurate data. FSA and NASS will establish a means for identifying to the other agency when shared data contains known defects. Unless otherwise indicated, the most current version of the data provided will be deemed to be the most accurate version of the data and when applicable, will replace any previously provided version of the data.

10.3. Redress. Those persons that are adversely impacted by inaccurate data shared by FSA or NASS will be able to seek redress through existing processes as outlined in each agency's program procedures.

11. Security and Data Integrity Requirements

11.1. Data to be shared under this IAA is protected from unauthorized use or unauthorized disclosure pursuant to the administrative or civil remedies and criminal penalties as identified in applicable Federal statutes to include the Privacy Act of 1974 (5 U.S.C. 552a), the Freedom of Information Act (5 U.S.C. § 552), and 7 U.S.C. § 8791 of the Food, Conservation and Energy Act of 2008.

11.1.1. Individuals within FSA and NASS covered by this IAA can be held administratively, civilly, or criminally liable if they commit an unauthorized use or unauthorized disclose of protected data in violation of the applicable Federal statutes.

11.2. Data Sensitivity. The highest sensitivity of the data exchanged between FSA and NASS is Controlled Unclassified Information (CUI). The data to be shared will contain protected data. Shared data that contains protected data will be processed based on a Moderate level of sensitivity according to FIPS 199.

11.3. From the Privacy perspective, there are two types of protected data. There is: (1) Personally Identifiable Information (PII); and (2) Information withheld from disclosure by Federal statutes and regulations.

11.3.1. PII is any data about an individual maintained by an agency that when connected to an individual's name: (1) can be used to distinguish or trace an individual's identity; and (2) any other identifying information that can be linked or is linkable to a specific individual. PII, if improperly accessed, used, or disclosed, could present the greatest risk with respect to being socially, physically, or financially damaging (such as being misused for the purpose of identity theft).

11.3.2. Information withheld from disclosure by Federal statutes and regulations includes

certain non-PII data types. These non-PII data types warrant and require administrative control and protection from release because unauthorized use or unauthorized disclosure of the data could cause harm to a person's privacy or welfare, adversely impact economic, industrial, or financial institutions, and compromise USDA operations and programs. This includes Privacy Act protected data and data that shall not be disclosed to the public in response to a Freedom of Information Act request, except as required by law.

11.4. Data Security Incidents. Should FSA or NASS have any reason to suspect that there has been an unauthorized use or unauthorized disclosure of shared protected data (especially an incident involving the loss or compromise of PII), FSA and NASS shall notify the other agency's point of contact/responsible individual (see paragraph 4.1.) immediately upon becoming aware of the possible unauthorized use/unauthorized disclosure of shared protected data. At a minimum, the data security incident notification shall include the following elements:

- Name of person(s) who discovered the security incident (include first name, last name, duty position, title, work phone, work cell phone, and work e-mail address, and work location).
- If applicable or known, name of person(s) suspected to have compromised the data (include first name, last name, duty position, title, work phone, work cell phone, and work e-mail address, and work location).
- Date and time the security incident was first discovered.
- Date and time the security incident occurred (estimate the approximate date and time if necessary).
- Nature of the security incident (brief description of what happened and how it was discovered).
- Description of the types of data suspected to have been lost or compromised. Place a focus on identification of any actual or suspected compromise of PII such as full name, Social Security Number, Taxpayer Identification Number, personal financial information, date of birth, etc.
- Type of media (e.g. paper or hard copy, electronic data soft copy, e-mail, laptop, flash drive, website posting, SharePoint posting, etc.) from which the protected data is suspected to have been lost or compromised.
- Controls (e.g. encryption or protection by other means) that were and should have been in place to prevent the suspected loss or compromise of the protected data.
- Number of individuals potentially affected by the suspected loss or compromise of the data.
- The actions (if any) actually taken or currently being taken to investigate or mitigate the suspected loss or compromise of the data.

11.5. If the security incident notification is provided via a government telephone (landline only - use of a cell phone is not authorized when providing this notification), a written summary of the security incidents information provided shall be prepared for the official records. The FSA and NASS point of contact or responsible individual shall gather further information and ensure that any additional required notification (such as to the USDA Hotline for reporting PII Incidents) is completed.

12. Amendments

12.1. This IAA may be amended at any time by the mutual written agreement of FSA and NASS.

13. Termination

13.1. This Interagency Agreement may be terminated:

- Immediately by FSA or NASS if it is confirmed that the other agency has committed an unauthorized use or unauthorized disclosure of shared protected data in violation of Federal statutes (to include the Privacy Act, the Freedom of Information Act, or 7 U.S.C. § 8791 of the Food, Conservation and Energy Act of 2008) and USDA directives and regulations.
- At any time by the mutual written agreement of FSA or NASS.

14. Effective Period

14.1. This IAA will be in effect on the date of the final signature and will continue until September 30, 2021 (not to exceed the 5 year maximum time allowed). Should the IAA need to continue beyond the identified effective period, the entire IAA must be reviewed, updated if necessary, and revalidated prior to the expiration date of the identified effective period and a new follow on agreement must be awarded.

15. Signatures of the Executing Officials and the Date Signed

15.1. Signature on this IAA shall require FSA and NASS to comply with the terms and conditions outlined within this IAA.

15.2. Once signed, this IAA will replace the previous Memorandum of Understanding between FSA and NASS that had an effective date of December 1, 2011.



Val Dolcini
Administrator
USDA – Farm Service Agency

Date Signed: 10/18/16



Hubert Hamer
Administrator
USDA – National Agricultural Statistics Service

Date Signed: 10/12/16

