

# The National LGBTQ Task Force's Guide to the 2020 Census:

## FAQS ON PRIVACY AND CONFIDENTIALITY

NATIONAL  
LGBTQ  
TASK FORCE

Queer  
THE CENSUS.

### The Census asks a lot of personal questions. How will my answers to the Census survey be used?

The U.S. Census Bureau (Bureau) attempts to count every person living in the U.S. for the Census every ten years to determine aspects of democracy and the amount of funding for social service programs each state receives for the next decade. The Bureau is prohibited from using Census survey results for any reason other than for statistical purposes. This means that your answers to the Census survey can't legally be used for any type of immigration, housing, or other type of law enforcement

In fact, [the Bureau has said](#), "**We will never share a respondent's personal information with immigration enforcement agencies, like ICE; law enforcement agencies, like the FBI or police; or allow it to be used to determine their eligibility for government benefits.**"

The results from any census or survey are reported in statistical format only." The Bureau is only concerned with collecting information for data analysis. It is not concerned with individuals or enforcement of laws.

Furthermore, [laws surrounding the Census](#) state that, "In no case shall information furnished under this section be used to the detriment of any respondent or other person to whom such information relates, except in the prosecution of alleged violations of this title." Answers on the Census survey won't be used to the detriment of those who are responding to the survey, so it is important to be honest and count everyone in the household!

### Who has access to my answers?

Although the Bureau is tasked with producing and releasing statistical information based on Census survey results to the public, the **Bureau is not allowed to disclose any information that personally identifies individuals for 72 years.** Even further, [Census laws](#) prohibit anyone other than sworn Bureau employees

from looking at individuals' survey answers. To be clear, this prohibition includes anyone outside of the Census Bureau, [including other government agencies](#). This means it is illegal for the Bureau to share individual responses to agencies such as the Department of Justice (DOJ), the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and the Department of Urban and Housing Development (HUD), and it is illegal from anyone in those other federal agencies to view individual responses. This prohibition lasts for 72 years - data on individual responses to the 2020 Census can only be released publicly in 2092.

It is important to note that because the 2020 Census survey will be collected online, "it is possible that Department of Homeland Security (DHS) personnel involved in cybersecurity initiatives will have access to 2020 Census data that are stored electronically." However, the current program used by DHS staff to detect cybersecurity risks only provides them with encrypted information, which means that that DHS staff [won't have access to an individual's personal information](#).

*Though the Task Force is working to improve the Census survey, there are still questions and responses on the Census survey that erase our identities.*

### Can I get in any legal trouble based on my responses to the Census survey?

No.

The Census Bureau only collects information for statistical purposes and cannot share individual's responses with other federal agencies. Furthermore, the Bureau does not cross-reference answers to the Census with any other personally identifiable information you may have provided on other surveys, sources, or documents, including birth certificates or driver's licenses. So, it is okay if your answers on the Census survey don't match answers you've put on other federal or official surveys.

This is particularly important for people in LGBTQ communities. Though the Task Force is working to improve the Census survey, there are still questions and responses on the Census survey that erase our identities. For instance, one of the questions on the Census is "What is Person 1's

sex?” and only provides the following responses: “Male” or “Female”. **The Bureau respects how people self-identify on the Census, and since it doesn’t cross-check the information you provide on the survey with any other source, answer as best as you can with how you self-identify.** Transgender, non-binary, and gender nonconforming folks navigate this question - and the gender binary itself - every day of their lives. This survey is no different; you can self-identify here in the way that feels most comfortable for you.

Additionally, there are questions on the Census asking about other members of your household. It is critical to count everyone living there at the time, even if they are not on your lease or legally living there. The Bureau does not collect information to enforce housing laws.

### **But aren’t there Census laws in place that punish fraud?**

Census law indicates that anyone who “willfully gives any answer that is false” on the survey may be fined up to \$500. **This law is not intended to punish people who answer the questions in a way that better reflects who they are with regard to their name and sex, nor is it intended to enforce housing laws and policies.** Instead, the point of this law is essentially to make sure that each household only submits one survey, which ensures that everyone is fairly and accurately counted.

### **Should I be worried about hackers when filling out the Census survey electronically?**

For the first time, the Census is collecting responses to the survey online, which means you can respond to the 2020 Census online, through a paper form, and by phone. Online responses can be filled through a computer, tablet, or smartphone. The Bureau is taking security surrounding the Census surveys very seriously and have measures in place to protect against system threats, ensure all data is encrypted (so no other agency or entity can view individual survey responses), and implement cybersecurity.

**To learn more about cybersecurity for the 2020 Census, please visit <http://bit.ly/censuscybersecurity>.**

### **Is there anything I need to consider if I want to help get out the count on the ground?**

For the 2020 Census, we want to ensure we are getting out the count - making sure that everyone understands the value of filling out the Census and takes the step to fill it out. Many people will be on the ground and hosting get-out-the-count parties later this year to encourage people to fill out the Census. There is no problem

with allowing people to use your tablets, computers, or phones to fill out the Census survey on their own. However, do NOT fill out the Census survey on another person’s behalf. It is illegal for anyone outside the Bureau to view individual responses to the survey. To avoid that, you should have the individual fill out the survey and submit it on their own.

The Census survey will be available online in several different languages, including Spanish, Chinese (simplified), Korean, and Arabic. **For more information on Census language services, check out <http://bit.ly/censuslanguages>.**

### **So, what should I tell someone who has privacy and confidentiality concerns around filling out the Census?**

We cannot continue to be undercounted in the Census. The data from the Census will have an impact for at least ten years - until the 2030 Census is fielded. Our communities and our lives depend on the programs like Medicaid, food stamps, and housing vouchers that are funded based on Census results. Our access to democracy depends on our full representation in Census data. And our civil rights depend on enforcement of the law using Census data. We can’t wait another ten years to get it right.

**In terms of privacy and confidentiality, just remind people of the following:**

- **The U.S. Census Bureau and its employees are prohibited from sharing individual responses and personally identifiable information with anyone else, including other governmental agencies.**
- **It is illegal for anyone who is not part of the Bureau to view individual responses to the Census.**
- **Census data CANNOT be used for enforcing any type of law, including for housing, public benefits, or immigration enforcement.**
- **The Bureau cannot use census data to the detriment of those who are responding to the survey.**

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<sup>i</sup> 13 U.S.C. § 9(a)(1).

<sup>ii</sup> The U.S. Census Bureau. 2020 Census Complete Count Committee Guide. Pg. 3. <https://www.census.gov/content/dam/Census/newsroom/press-kits/2018/ccc-guide-d-1280.pdf>.

<sup>iii</sup> 13 U.S.C. § 8(c).

<sup>iv</sup> 13 U.S.C. § 9(a)(3).

<sup>v</sup> Id.