United States
Department of
Agriculture

Attachment C

CERTIFICATION OF NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION COOPERATOR

I, _____ of _____
(full name and organization identity of the employee, contractor, or agent of cooperator seeking access to data), certify that I am authorized to provide technical and/or financial assistance for U.S. Department of Agriculture (USDA) conservation programs. USDA's Natural Resources Conservation Service (NRCS) has authority for ensuring such technical and financial assistance, and has requested that data critical for implementing conservation programs be shared directly with me.

The USDA data that I am authorized to use, and am responsible for safeguarding, includes only data necessary for the delivery of technical and/or financial assistance for conservation programs. This may include, but is not limited to, the following data contained in Privacy Act System of Records FSA-2, Farm Records (Automated):

- State identification and county number (where reported and where located);
- Producer/land owner and business entity name, full address, phone number, and identification type;
- Farm, tract, field, and contract numbers;
- Production shares and share of acres for each Farm Serial Number (FSN) field;
- Acreage information including crop code;
- Practice code;
- Aerial photographs;
- Attributes for Common Land Units (CLUs) in USDA's Geospatial Information System;
- Producer Social Security Numbers (SSNs) and tax identification numbers.

USDA may authorize me to use the data for the following technical assistance activities for USDA conservation programs:

- Program eligibility determinations;
- Conservation planning;
- Conservation practice and systems implementation and certification;
- Policy and program support;
- Compliance and status reviews;
- Outreach to conservation program participants and non-participants.

I am aware that the information may be protected under Section 1619 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). See Pub. L. 110-246, Title I, Section 1619; Attachment 1. I understand that, as a recognized USDA cooperator, I am personally responsible for upholding the law and safeguarding this information following USDA, U. S. Forest Service (USFS), Natural Resources Conservation Service (NRCS), and FSA guidelines and policies and in accordance with a master Memorandum of Understanding (MOU) executed with USDA's U.S. Forest Service, NRCS and FSA for sharing data. I understand that this certification will be appended to and incorporated by reference to such MOU for sharing such data.

I understand that the prohibition on releasing data covered by Section 1619 includes any data I may obtain from producers or landowners in the course of fulfilling my duties cooperating with USDA on its conservation programs. The prohibition does not cover data that is collected by local and State entities for their own use as State entities. Since I may be collecting data from producers and landowners for dual purposes (USDA and State), I will make clear to the producers and landowners the purpose of the information collection at the time the information is collected. This notification will help ensure producers and landowners are made aware that information provided for State purposes may be released under State open disclosure laws.

I will only share data subject to Section 1619 with other USDA certified, authorized employees, contractors, or agents of cooperators with a need-to-know this information in order to cooperate with USDA in implementing its conservation programs. The term "USDA certified" means the individual has proof of a completed USDA certification for securing data, such as this certification. In particular, I will not transmit any "Core Personally Identifiable Information" (PII), including any portions of SSNs or maps showing tract, field, or farm identification numbers, via mobile device including cell and cordless phones. See Attachment 2.

When my work duties no longer require me to have access to data subject to Section 1619, I will notify the designated contacts under the master MOU to which this certification is appended and incorporated by reference. I will relinquish any such data in my possession, following the instructions of the primary USDA contacts under a master MOU to which this certification is appended. I will no longer have access to such data in any form.

I will neither discuss nor reveal the contents of any such data other than to USDA certified, authorized employees, contractors, or agents of cooperators who need to know such information in order to cooperate with USDA in implementing its conservation programs. I understand that my access to USDA data may be suspended, curtailed, or eliminated at the discretion of the USDA contacts under a master MOU for sharing data, to which this certification is appended.

_____ _____

(Signature of employee, contractor, or agent of cooperator) **(Date)**

VERIFED BY:

_____

(Printed or typed name and title of authorized NRCS employee)

_____ _____

(Signature of authorized NRCS employee) **(Date)**

NOTE: The primary authority for requesting and safeguarding the information described on this certification is the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information collected and shared as a result of this certification may be released to USDA employees, USDA contractors or authorized USDA cooperators who are bound to safeguard the information under Section 1619 of the Food, Conservation, and Energy Act; the Privacy Act of 1974; the E-Government Act of 2002; and related authorities. This information collection is exempted from the Paperwork Reduction Act as it is required for administration of the Food, Conservation, and Energy Act of 2008. See Pub. L. 110-246, Title I, Section 1601(C)(2)(A). The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided and disclosed.

Attachments

USDA

ATTACHMENT 1

Section 1619 of the 2008 Farm Bill

SEC. 1619. INFORMATION GATHERING.

(a) GEOSPATIAL SYSTEMS.—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES.—

(1) **DEFINITION OF AGRICULTURAL OPERATION.**—In this subsection, the term ''agricultural operation'' includes the production and marketing of agricultural commodities and livestock.

(2) **PROHIBITION.**—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) Information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) Geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) **AUTHORIZED DISCLOSURES.**—

(A) LIMITED RELEASE OF INFORMATION.—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) When providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) When responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) **EXCEPTIONS.**—Nothing in this subsection affects—

(A) The disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) The disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) Individual owner, operator, or producer; or

(ii) Specific data gathering site; or

(C) The disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) **CONDITION OF OTHER PROGRAMS.**—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph 4(c).

(6) **WAIVER OF PRIVILEGE OR PROTECTION**.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

USDA

ATTACHMENT 2

Definition of "Core PII"

"Core PII" may commonly be misused for identity theft. USDA, FSA defines "Core PII" to include the following:

- Social Security Number (SSN), including the "last 4 digits" or any other part of the SSN
- Tax or Owner's Identification (ID) Number, when such number is identical to SSN or any part of the SSN
- Personal phone number (landlines and cell phones for individuals)
- Personal email address
- Place and date of birth
- Mother's maiden name
- Biometric records, such as finger prints
- Personal financial information, such as, bank account number and banking information
- Personal insurance information not relating to USDA programs
- Medical information
- USDA employee administrative or disciplinary information
- Scores and comments appearing on USDA employee performance appraisals
- Responses submitted on Confidential Financial Disclosure Reports (Form OGE-450).

In most cases, "Core PII" is **not** releasable under FOIA, and is not made available to the general public. Data fields and responses on USDA, FSA , or NRCS forms containing "Core PII" need to be redacted, prior to release.

"Core PII" is highly sensitive and must be protected at all times under the PA, the E-Government Act of 2002, and related legislation, regulations, and policies, including 7 CFR Part 1, Subpart G. Documents containing "Core PII" shall not be left unattended in open spaces, and must be kept under reasonable custodial control, e.g., in locked cabinets.