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Issue:

Attached is a Federal Register notice asking for small businesses to comment on the collection of data regarding SBDC clients (through an MIS system known as EDMIS). Also attached is the proposed Form 641 with a modification to Section 11 on the release of client data along with a supporting statement. The key point is that the SBA is seeking small business comments, or the lack thereof, to justify their requests for email addresses, names, and other information from SBDC clients in order to circumvent various privacy provisions.

The proposed wording of Section 11 in their Form 641 is conflicting and confusing. The agreement to participate in surveys should be separate from the agreement to release contact information and other identifying data specific to each client.

One business has already commented, "While there is little concern over providing anonymous business data to the SBA via the SBDC, there is considerable concern in providing any contact or other identifying information to the SBA or any other party outside of the SBDC itself. (A policy which we understand is incorporated into the original SBDC authorizing legislation, the Small Business Act of 1980) Specifically, I do not wish any identifying or contact information on myself or my business to be supplied to the agency. I greatly value the confidentiality of my dealings with the SBDC and view the integrity of what I share with the SBDC for their purposes and use only."

PROPOSED Language from Section 11 of SBA Form 641:

I request business counseling service from an SBA Resource Partner. I agree to cooperate should I be selected to participate in surveys designed to evaluate SBA Resource Partner services. I permit SBA or its agent the use of my name and address for SBA surveys and information mailings regarding SBA products and services (Yes / No).

I understand that any information disclosed will be protected to the extent permitted by law. (SBA or its agents will not provide your personal information to commercial entities.) I authorize SBA or its agents to furnish relevant information to the assigned management counselor(s). I further understand that the counselor(s) agrees not to: 1) recommend goods or services from sources in which he/she has an interest, and 2) accept fees or commissions developing from this counseling relationship.

In consideration of the counselor(s) furnishing management or technical assistance, I waive all claims against SBA personnel, and that of its Resource Partners and host organizations, arising from this assistance.

Use of Information: The information in this form is to be provided by individuals and business seeking technical assistance services from an SBA Resource Partner.

The information is collected to help SBA's continuing improvement of business counseling programs, to ensure effective oversight and management of entrepreneurial development programs and grants, and to meet Congressional and Executive Branch reporting requirements. The form should be submitted at the site of service to the counselor providing the service. Resource Partners will submit information to SBA according to the terms of their notice of award.