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Freight Logistics Optimization Works

Frequently Asked Questions About BTS in FLOW

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What is FLOW?

The Freight Logistics Optimization Works (FLOW) program is a public-private partnership among industry and government to build a forward-looking, integrated view of supply chain conditions in the United States. FLOW data helps forecast how current capacity and throughput will fare against future demand, helping participating companies anticipate changes in supply chain throughput and take proactive steps to mitigate previously unanticipated delays. The FLOW program collects purchase order information from importers in addition to logistics supply, demand, and throughput data from participants (e.g., beneficial cargo owners, ocean carriers, ports, terminals, railways). The United States Department of Transportation (USDOT) anonymizes, regionally segments, and aggregates the data. Participants then receive FLOW data that provides a broad, daily view of the current conditions of the overall logistics network, beyond what they may observe within their own operations. See the [FLOW website](#) for more information.

Who are FLOW participants?

FLOW participation requires providing qualified data, namely equipment owners and operators within the logistics supply chain, including: Beneficial Cargo Owners (BCOs), Intermodal Equipment Providers (IEPs), Logistics Real Estate, Marine Terminal Operators (MTOs), Motor Carriers, Ocean Carriers, Non-Vessel Operating Common Carriers (NVOCCs), Rail Carriers, and Third-Party Logistics (3PLs). See the [FLOW website](#) for a [current list of FLOW participants](#).

What data is shared under FLOW?

FLOW participants provide individual asset information to be anonymized into aggregated supply and demand information. Depending on the participant, this may be total incoming demand as measured by purchase orders or bookings, or available supply-side assets as measured by including terminal slots, tractors, chassis, and warehouse space. This information is provided on a daily basis (if automated) or weekly (if manual).

What assurance is there that data provided under FLOW is confidential and secure?

The Bureau of Transportation Statistics (BTS) serves as the independent steward of FLOW participant information, ensuring data is confidential and secure. Furthermore, any information that is submitted by participants is aggregated and anonymized, meaning the data shared by the FLOW program is not associated with a specific entity or business. Data collected in the FLOW program is subject to the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), which establishes uniform confidentiality protections for information collected for statistical purposes.



Under CIPSEA, it is a felony, punishable by up to \$250,000 in fines and up to 5 years in jail, for BTS or its agents to release identifiable data confidentially submitted in reports by individuals, companies, or other entities. BTS adheres to strict protocols for collecting and protecting such data. CIPSEA protections include, but are not limited to:

- protection from subpoenas and Freedom of Information Act disclosure.
- Protection from release to the public or any other government agency.
- protection from uses other than statistical purposes.

What is CIPSEA and how does it ensure data protection?

Congress passed into law the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) in 2002 and recodified it in the 2018 Foundations for Evidence-Based Policymaking Act (or OPEN Government Data Act, Pub. L. 115-435). CIPSEA stipulates that a federal agency may collect information under pledge of confidentiality for statistical purposes.

CIPSEA protections include the following assurances:

- No government agency may require, for any reason, a copy of a respondent's report.
- Court cannot require a copy of any respondent's report.
- Reports are immune from the legal process and cannot be admitted as evidence.
- Reports are exempt from Freedom of Information Act (FOIA) requests.
- Information may not be disclosed in identifiable form for any non-statistical purpose without the informed consent of a respondent.
- Willful disclosure of confidential information by Federal employees, agents, and contractors may incur sanctions and penalties.

Data requiring confidentiality protection include sensitivity, proprietary, or private data; examples include, whether paper or electronic, original FLOW reports provided directly to BTS and BTS working documents.

What role does BTS serve under FLOW?

Consistent with its role as the USDOT's Principal Statistical Agency responsible for collecting and providing timely, accurate, and reliable information on U.S. passenger and freight transportation systems and the impact on economy, society, and the environment (49 USC ch. 63), BTS is the independent data steward for the FLOW Program. Data shared with DOT by FLOW participants is treated confidentially and protected by BTS under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), title III of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. 115-435 (reauthorizing the 2002 CIPSEA law).

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U.S. DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

1200 NEW JERSEY AVENUE, SE

WASHINGTON, DC 20590

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