

A Vision for Implementing Title III of the Evidence Act

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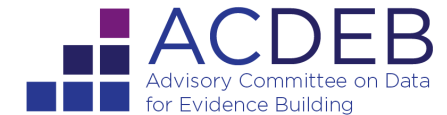
October 26, 2022

**Implementing Title III of the Evidence Act: a Framework to Expanding Data
Access for Evidence Building**

2022 FCSM Research & Policy Conference

Today's Focus

- Core to Evidence Building, The Federal Statistical System
- Evolving Data Ecosystem
- The Evidence Act, Shaping the Path of Evolution
- Continuing Progress for Evidence Building



Core to Evidence Building, The Federal Statistical System

116 STAT. 2962

PUBLIC LAW 107-347—DEC. 17 2002

44 USC 3541
note.

(b) TITLES III AND IV.—Title III and this title shall take effect on the date of enactment of this Act.

Confidential
Information
Protection and
Statistical
Efficiency Act of
2002.

TITLE V—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFI- CIENCY

44 USC 3501
note.

SEC. 501. SHORT TITLE.

This title may be cited as the “Confidential Information Protection and Statistical Efficiency Act of 2002”.



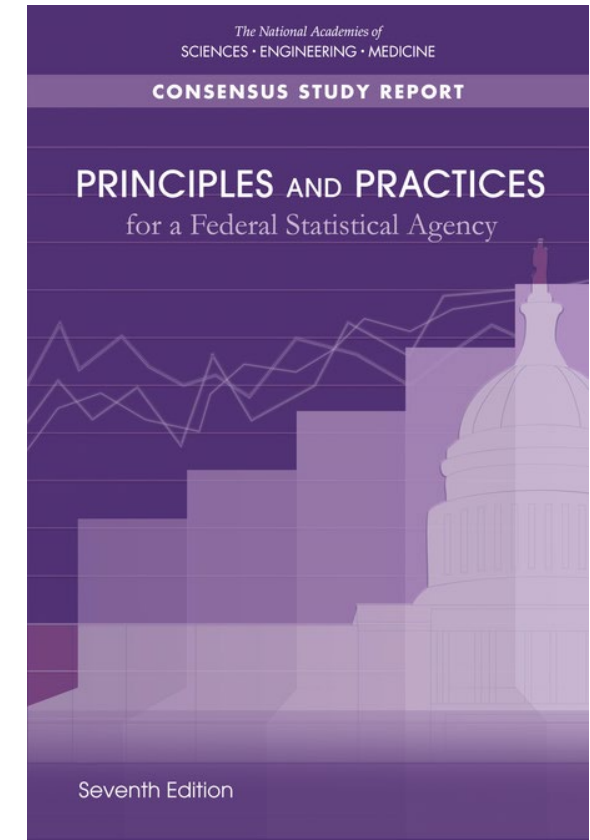
FEDERAL REGISTER

The Daily Journal of the United States Government



Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units

A Notice by the Management and Budget Office on 12/02/2014



Core to Evidence Building, The Federal Statistical System

Governing Laws
Around Data
*Pre-Evidence
Commission*

Privacy Act

Paperwork Reduction Act

Information Quality Act

Confidential Information
Protection and Statistical
Efficiency Act (CIPSEA 2002)

Commission on Evidence-Based Policymaking (2017)

Toward a 21st Century National Data Infrastructure: Mobilizing Information for the Common Good

Foundations for Evidence-Based Policymaking Act of 2018

Evolving Data Ecosystem

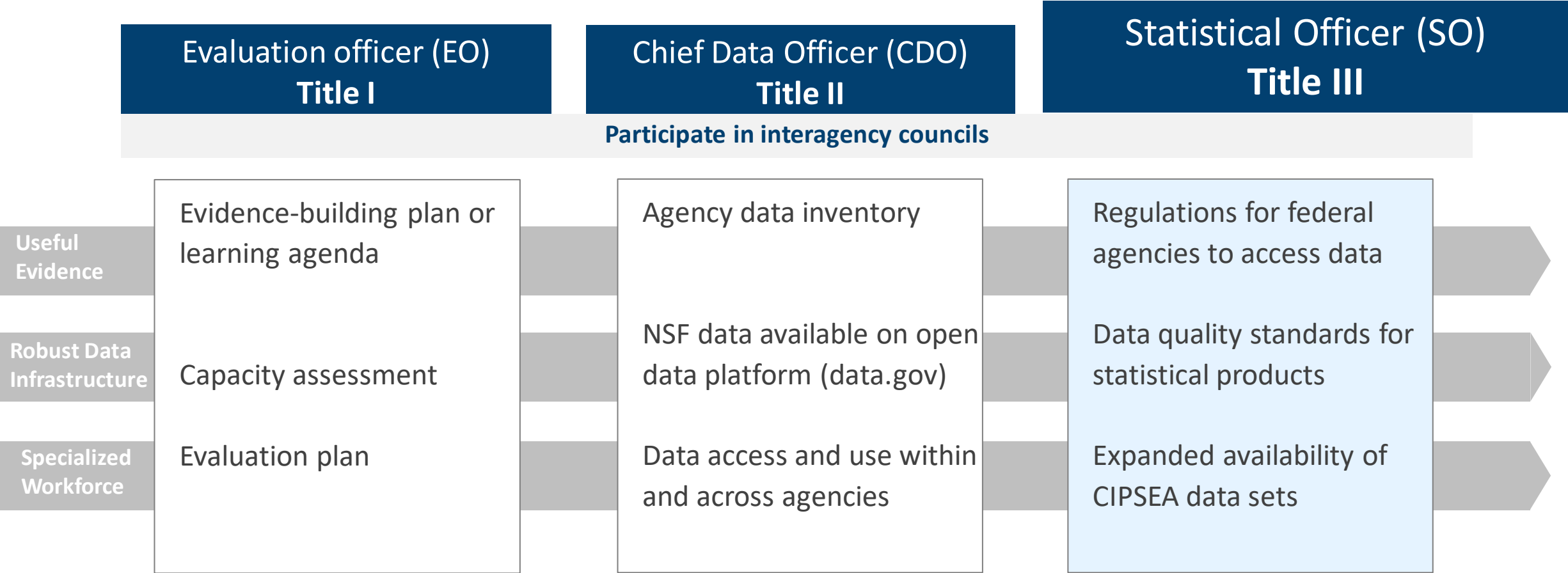
National Secure Data Service Demonstration passed as a part of H.R. 4346, CHIPS+

CIPSEA 2018 (aka, Evidence Act Title III)

National AI Research Resource Task Force (2021-2022)

Advisory Committee on Data for Evidence Building (2020-2022)

The Evidence Act, Shaping the Path of Evolution



Title III & the Role of Statistical Agencies



Strengthens
technical
autonomy of
agencies



Provides new
authority for
agencies to
acquire data for
the purpose of
evidence building



Requires agencies
to make data
accessible in
multiple access
tiers based on
data sensitivity



Requires agencies to
create a “single front
door” for those who
want to apply for
access to restricted
data

Evolving Federal Statistical System

Pre

- Agency specific data access and confidentiality approaches
- Agency specific data sharing authorities
- Public use and restricted use access to data
- OMB statistical standards on trust, relevance, autonomy
- CIPSEA 2002

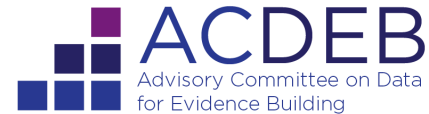
Post

- Common legal access and confidentiality framework collaboratively implemented
- Presumption of access
- Increased emphasis on tiered access to data
- Common legal framework for trust, relevance and autonomy
- CIPSEA 2018

The Evidence Act, Expanding the Mission of Statistical Agencies

- Operate as a seamless system
- Act as trusted stewards of the public's most sensitive data
- Enable evidence building

Continuing Progress for Evidence Building



ACDEB's Charge

To review, analyze, and make recommendations to the OMB Director on how to promote the use of federal data for evidence building, with an emphasis on Title III of the Evidence Act

Vision for a National Secure Data Service (NSDS)

The NSDS will be an important component of the broader evidence-building ecosystem, whose goal is to develop evidence for decision-making. As such, the NSDS will build on the framework established in the Evidence Act and advanced through the Federal Data Strategy, including operating under CIPSEA and complying with associated privacy and confidentiality requirements

Philosophy:

As a philosophy, the NSDS will produce value for the American public by facilitating evidence building.

Service:

As a service, the NSDS will provide coordination and capacity-building services for data users, data providers, and related communities of practice.

Place:

As a place, the NSDS will be a legally recognized entity that functions within the larger ecosystem, with hardware, software, and administrative infrastructure and capacity that allows it to meet its mission.

- **Progress—the Here and Now**

Part 1. Forthcoming Evidence Act Regulations and Guidance

Part 2. Other Evidence Act Items

- **Promise—the Vision for the National Secure Data Service**

Part 3. NSDS Functions

Part 4. NSDS Organizational Structure and Governance

Part 5. NSDS Technical Infrastructure and Tools

Part 6. Resources and Funding

Key Ideas:

**Forthcoming Evidence Act Regulations and Guidance and
Other Evidence Act Items**

The CIPSEA 2018 requirements enhance how the federal statistical system facilitates evidence building and provide necessary frameworks to inform the development of the NSDS. The NSDS must operate under these requirements.

Recommendations Summary

Evidence Act Items	Recommendations
Primary Responsibilities of Statistical Agencies and Trust	Rec. 1.3. Promote Public Trust
The Presumption of Accessibility for Statistical Agencies and Units	<p>Rec. 1.4. Maximize the Impact of Federal Administrative Data for Evidence-Based Decisionmaking</p> <p>Rec. 1.5. Data-Sharing Agreements Across Federal Agencies</p>
Expanding Secure Access to CIPSEA Data Assets	<p>Rec. 1.6. Risk and Utility Framework Tiered Access in Practice</p> <p>Rec. 1.7 Increase Adoption of Privacy-Preserving Technologies Within Government</p> <p>Rec. 1.8. Shared Responsibility and Safe Harbor Principles</p> <p>Rec. 1.9. Strengthen Penalties for Inappropriate Access and Use of Federal Data Assets</p>
Standard Application Process	Rec. 1.10. SAP Evolution

Key Ideas: NSDS Functions

The NSDS would enter the existing evidence ecosystem as a new partner, striving to complement and enhance—rather than supplant or replace—current actors, infrastructures, and capabilities. The NSDS should fill gaps in the ecosystem through its core functions.

NSDS Core Functions

Function 1. Coordination. Coordinate and support evidence-building efforts that cut across entities by facilitating linkage of, secure access to, and analysis of nonpublic data and by providing capacity-building services for data users, data providers, and related communities of practice.

Function 2. Communication. Communicate the value and use of data for evidence building and how the data are protected.

Function 3. Research and development (R&D). Facilitate R&D and adoption of practices and methods that enhance privacy and confidentiality and improve record linkage quality.

Function 4. Data standardization. Foster and promote data standardization to enable more efficient and high-quality linkage, access, and analysis.

Key Ideas

NSDS Technical Infrastructure and Tools

To make the path for evidence building easier and more predictable—both for data access and privacy protection—the NSDS must provide technical infrastructure and tools to support its core functions, operating under the same CIPSEA frameworks as the federal statistical agencies.

Recommendations Summary

Items	Recommendations
Accessibility	Rec. 5.1. Technology to Analyze Datasets Hosted by Affiliated Organizations Rec. 5.2. Technological Process to Support Data Discovery Rec. 5.3. Harmonized Data Inventories and Catalogs Rec. 5.4. Searchable Project Inventory
Data Integrity	Rec. 5.5. Tools and Support to Users in Conducting Secure, Accurate, and Scalable Analyses
Disclosure Limitation	Rec. 5.6. Development and Application of Statistical Disclosure Limitation Methods
Auditability	Rec. 5.7. Tools to Track the Provenance of Data Sets and Analyses
Data Linkage	Rec. 5.8. Tools and Support to Users in Conducting Scalable, Privacy-Preserving Record Linkages
Innovation Sandbox	Rec. 5.9. Sandbox for Testing Innovative Technologies and Software, Data Protection Protocols, and Data Analysis

Key Ideas

Resources and Funding

For the data ecosystem to flourish, there must be adequate resources available to both (1) data and data service providers across all levels of government and (2) public and private-sector data users, using mechanisms that are transparent, equitable, and sustainable. The NSDS is strategically positioned to help meet the needs of other actors in the ecosystem.

Recommendations Summary

Items	Recommendations
Resources to Enhance the Existing Evidence Ecosystem	
Federal Agencies’ Implementation of the Evidence Act	<p>Rec. 6.1. Near-Term Resource Strategy for Evidence Act Implementation</p> <p>Rec. 6.2. Systematic Resource Planning for Evidence Act Implementation</p> <p>Rec. 6.3. Designated Funding Stream for Evidence-Building Activities</p> <p>Rec. 6.4. Additional Resources for OMB Staff</p>
State, Territorial, Local, and Tribal Governments	Rec. 6.5. New Block Grant to Support Cross-Program Data and Infrastructure Improvements and Data Modernization
NSDS Resources to Meet Its Mission	
Direct Spending	Rec. 6.6. NSDS Core Functions Funded Through Direct Spending Authority
Mixed Funding Model	Rec. 6.7. Mixed Funding Model That Leverages Sustainable and Dynamic Funding Approaches

Continuing Progress for Evidence Building

- Expanding secure data access
- Greater cross-agency coordination
- Enhanced stakeholder engagement

