

Data Access and Confidentiality Project: Regulation Update

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Session E-5: Implementing Title III of the Evidence Act: A Framework to Expanding Data Access
for Evidence Building

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Big Picture

Chief Statistician's Data Access and Confidentiality Project

- ▶ Themes
 - ▶ Regulation Plan
 - ▶ Stakeholder Engagement Plan
 - ▶ Methods Coordination Plan
- ▶ Phase 1 Delivered
- ▶ Phase 2 to be delivered

Phase	Phase Name	Role for Principal
1	Vision and Goal Setting	Plan and design
2	Implementation	Champion and support for staff who are executing implementation
3	Revisit Vision and Goals	Lead effort

Engaging ACDEB Subcommittees

Regulation



Elicit feedback on goals, principles, and frameworks



Shared understanding of the challenges



Identify innovative ways to meet the goals and overcome challenges

Regulation

Goals and Guidance for Developing Expanding Secure Access to Data Regulation
(Evidence Act Section 3582)

Regulation Goals

- ▶ Shared responsibility for protecting data
- ▶ Treating privacy/re-identification as a continuum
- ▶ Address both current and future data holdings of the Federal Statistical System

Per Section 3582 Regulation Must Include

- ▶ Standards to assess for each data asset
 - ▶ sensitivity level
 - ▶ corresponding level of accessibility
 - ▶ whether less sensitive versions can be created
- ▶ Standards to improve access by removing/obscuring identifiers
- ▶ Requirement to conduct re-identification risk assessments
- ▶ Requirement to make processes transparent and easy to understand

Regulation

Example Guidance on Regulation "Must Dos"

Sensitivity Levels: "Not all data are equally sensitive. Our regulation should not create a presumption of equal sensitivity."

Removing/Obscuring Identifiers: "Guidelines we set for data sets standing alone may be insufficient when those data sets are linked to other data sources. When articulating guidelines, consider linked data."

Risk Assessments: "Re-identification risk is only one component of a risk assessment. The regulation must also consider reputational risk to an agency and concerns regarding respondent trust."

Regulation

Goals and Guidance for Developing Expanding Secure Access to Data Regulation
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Known Constraints

- ▶ Use of Agency-specific confidentiality laws and how they fit into a CIPSEA framework
- ▶ Data agreements to procure or collect past data often have limitations on data use
- ▶ Budget

Regulation Plan

General Principles

1. More (Not Less) Data Available
2. Not All Data Are Equally Sensitive
3. Disclosure Risk Is a Continuum
4. Consistent With Other CIPSEA Efforts
5. Address Current and Future Data
6. Shared Responsibility
7. Protect Good Faith Actors from Unknown Disclosure Risks
8. Consider Linked Data
9. Consider Multiple Audiences in Determining Sensitivity
10. Risk Assessments More Than Re-identification Risk
11. View Expansively – Improve Access to Administrative Records
12. Cost Effectiveness
13. Consider Agency-Specific Privacy Laws

Document Status

- The document is being fine-tuned finalized within the team.
 - The document is **not the final regulatory text**, but concepts to introduce for consideration.
- Accomplished our goal to hew as tightly as possible to Section 3582 and to incorporate as many of the ICSPs 13 guiding principles as are relevant.
- Draft is aligned with other guidance and regulations:
 - SAP (Evidence Act section 3583),
 - Trust regulation (Evidence Act section 3563a) and
 - other ICSP engagement documentation.

Elements of the Regulation Draft

- ▶ Codifying and clarifying definitions
- ▶ Risk Assessment Process: An expectation of "acceptable risk"
- ▶ Transparency
- ▶ Role of Data Review Boards and Data Review Officers
- ▶ "Safe for Dissemination" CIPSEA Determinations

Next Steps: Incorporating input

- ▶ ACDEB – report just released
- ▶ Consultation with SAHs
- ▶ Roll out plan

Questions?