



Federal Committee on
Statistical Methodology

Collecting Sexual Orientation and Gender Identity Data: Principles and Examples

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Principles

- Utility and Quality
- Minimization
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Examples

This presentation does provide new OMB guidance or interpret exiting guidance.



Principle: Utility and Quality

Equity
Analysis

Weighting
Linkage

ID
Resolution

Eligibility

- EA: Consider whether the data collection would include enough people to generate statistically meaningful estimates or associations.
- EA: Minimize category errors and minimize difficult to parse “other” responses.
- WL/ID: If linking to other data sets, how much flexibility is there in question design?
- WL/ID: What are the downstream uses and linkages?
- EL: What language is in the statute or regulation?

DIFFERENT CONTEXTS FOR GENDER DATA COLLECTION

Context	Primary Purposes	Accuracy & Burden	Method	Primary Concerns
Statistical Surveys	General purpose statistics/evidence	High	Tested series (e.g., “3-step question”)	Categorization errors, drop-off, sample size, conform to benchmarks used in weighting, disaggregation, instructions
Administrative Forms	Program administration, insight/evaluation	Medium	Single question, expanded list of options (?)	Space constraints, drop-off, instructions
ID Markers	Respect for individual identity and expression	Low	Single question, three options (M, F, X)	Defining ‘X’, instructions, Categorization errors
Clinical Forms	Informing clinical care	High	Physical/organ inventory	Clinical relevance, patient confidentiality, comfort, trust



Principle: Minimization

Only collect the data if there are plans to use it. Only collect the minimum amount of information necessary to meet the planned uses.

- If sex or gender is already on a form but there are no current or planned uses, consider removing it rather than modifying it.
- It may be sufficient to know whether the individual is an SGM, not whether they identify with a specific gender identity or sexual orientation.
- Equity analysis and production of public statistics counts as a planned use! But agencies should also have plans to address possible inequity.



Principle: Inclusivity and Sensitivity

Use language that makes respondents feel accepted and respected. **This cuts both ways!** Federal forms and surveys must consider inclusivity and sensitivity for all respondents. Consider impacts on data quality and utility.

- Asking binary sex/gender can leave out a significant portion of the population.
- But respondents can find more detailed SGOI questions invasive or offensive.
- For example, asking SOGI on administrative forms could make SGM respondents feel like they have to out themselves in order to receive benefits or services.



Principle: Privacy

This is not an abstract concept; there are real risks to respondents' jobs, families, access, safety, and personal relationships. When linked to PII, SOGI data could be used to target individuals or to deny them benefits or services.

Most administrative forms do not currently collect data with such large privacy risks. As a result, they may not have the right infrastructure, processes, and policies in place to protect the data.



Principle: Privacy – Agency Tools

- Talk to your SAOP
 - Strip out SOGI before adjudication.
 - Consider data held by States, schools, grantees, etc.
 - Explicitly list allowable uses in regs or other binding policies.
 - Informed consent: is the response voluntary, mandatory, required for a service or benefit?
-
- Explain possible uses to respondents.
 - Establish data governance principles; access and control for staff.
 - Have a plan for FOIA requests, talk your GC.
 - For HR systems, allow employees to access and modify their responses.
 - Dispose of historical records.



Principle: Consistency

Be as consistent as possible across the agency in the creation, handling, and use of this information.

- Involve your Data Governance Council (CDO, SO, and EO) and create agency-wide policies and guidance.
- Talk to your OIRA desk officer.
- Join the FCSM SOGI Interest Group to keep up with what other agencies are doing and learning.



Principle: Compliance

Make sure the agency has specific statutory authority to collect this data, and that its collection complies with relevant statutes and policies including:

- The Paperwork Reduction Act (PRA)
- Privacy Act
- OMB Circular A-130
- Agency data policies
- Agency or program specific authorities to collect and protect data



Example 1: Eligibility and Equity Analysis – 3 Step

What sex were you assigned at birth, on your original birth certificate?

- Female
- Male

Do you currently describe yourself as male, female, or transgender?

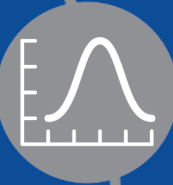
- Female
- Male
- Transgender
- None of these

[IF “ASSIGNED AT BIRTH” NE “CURRENTLY DESCRIBE”] Just to confirm, you were assigned [\$MALE/\$FEMALE] at birth and now you describe yourself as [\$FEMALE/\$MALE]. Is that correct?

- Yes
- No



Example 2: Eligibility (SGM) and Equity Analysis



Do you identify as LGBTQ?

- Yes
- No

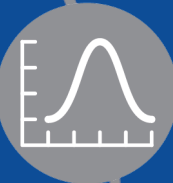


Example 3: Eligibility and Equity Analysis – 1 Step

Are you:

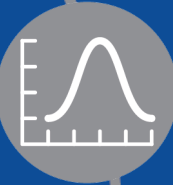
(mark all that apply)

- Female
- Male
- Transgender, non-binary, or another gender





Example 4: ID Resolution, Linkage, and Eligibility



Are you:

- Male
- Female
- Unspecified or another gender identity



Example 5: Equity Analysis and Eligibility

Do you or your organization identify with any of the following groups that the federal government, in Executive Order 13985, has identified as underserved? Check all that apply.

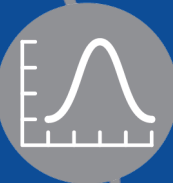
- a) Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color
- b) Members of religious minorities
- c) Lesbian, gay, bisexual, transgender, and queer (LGBTQ) persons
- d) Persons with disabilities
- e) Persons who live in rural areas
- f) Persons otherwise adversely affected by persistent poverty or inequality
- g) No, I do not identify with any of these groups



Example 6: Sexual Orientation

Which of the following best describes how you think of yourself?

- Gay or lesbian
- Straight, that is not gay or lesbian
- Bisexual
- Something else (specify) _____
- I don't know





Thank You

Questions?

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