



Chief Statistician of the United States

# Best Practices for Collecting SOGI Data on Federal Surveys

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*Any opinions and conclusions expressed herein are those of the author and do not reflect the views of the Office of Management and Budget.*

# SOGL: Charge/Goals

Improve the **quality** and **availability** of Federal survey statistics on the LGBTQI+ population.

The Office of the Chief Statistician developed this report to **spotlight best practices** in the collection and protection of SOGI data on surveys. These recommendations will provide all federal agencies with a **roadmap for the responsible collection, protection, and publication** of survey data on the LGBTQI+ population.

## RECOMMENDATIONS ON THE BEST PRACTICES FOR THE COLLECTION OF SEXUAL ORIENTATION AND GENDER IDENTITY DATA ON FEDERAL STATISTICAL SURVEYS

Pursuant to the June 2022 Executive Order 14075 on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals, the Office of the Chief Statistician of the United States developed this report to provide recommendations for Federal agencies on the current best practices for the collection of self-reported sexual orientation and gender identity (SOGI) data on Federal statistical surveys. These recommendations build on a long history of robust Federal effort to develop and refine SOGI measurement best practices.

The report highlights the importance of continual learning, offers considerations for including SOGI items on surveys, provides example approaches for collecting and reporting this information, offers guidance on how to safeguard SOGI data, and concludes with a summary of challenges that need further research. It is not the intent of this report to limit the continued evolution and improvement of SOGI data collection methods.

This report does not cover the collection of SOGI data about individuals as part of administrative transactions, for example, by way of forms required to apply for a job, benefits, or services. These administrative collections have different quality, privacy, legal, and ethical concerns that are outside the scope of this document.

This report does not mandate any particular approach or create any new requirements for agencies. In the future, Federal agencies may need to diverge from the recommendations in this report to reflect new, evidence-based best practices.

### THE IMPORTANCE OF FEDERAL STATISTICS

Federal surveys play a vital role in generating the data that the public, businesses, and government agencies need to make informed decisions. Measuring sexual and gender minority (SGM) populations<sup>1</sup> in Federal surveys improves understanding of SGM populations and supports evidence-based policymaking. By asking respondents about their sexual orientation and gender identity, Federal surveys have shown that, for example:

- the lesbian, gay, bisexual, or transgender (LGBT<sup>2</sup>) community was hit harder by the economic impact of the COVID-19 pandemic [10],
- LGBT adults struggled more with mental health during the COVID-19 pandemic than non-LGBT adults [9].

<sup>1</sup> Sexual and gender minority (SGM) populations include, but are not limited to, individuals who identify as lesbian, gay, bisexual, asexual, transgender, Two-Spirit, queer, and/or intersex. Individuals with same-sex or -gender attractions or behaviors and those with a difference in sex development are also included. These populations also encompass those who do not self-identify with one of these terms but whose sexual orientation, gender identity or expression, or reproductive development is characterized by non-binary constructs of sexual orientation, gender, and/or sex. (NIH Sexual & Gender Minority Research Office).

<sup>2</sup> This report uses the acronyms "LGBT", or "LGBTQI+" depending on the source material being referenced.

We know a lot about how to collect SOGI on surveys:

- Statutory authority (for both the collection and the agency)
- Valid use
- Privacy/confidentiality protections
- High quality data (more honest responses)

Special cases: proxy, youth, employee surveys, ACS/Census, etc.

# SOGL: Breaking Down Barriers!

- Evidence shows adding SOGL **does not increase non-response or drop-offs.**
- Best practices for **combining multiple years of data**, and **aggregating responses** to ensure sufficient sample.
- Clarify that producing general use statistics is a **valid planned use.**
- **Multiple proven examples** of SOGL questions

# Data Collection Principles

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Utility and Quality

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Minimization

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Inclusivity and Sensitivity

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Privacy Protection

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Consistency

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Compliance

- Context matters. Test your items.
- Have a plan for coding, handling item non-response, and aggregating/publishing data.
- Consider the power of your tests.

# 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.
- It may be sufficient to know whether the individual is a member of a protected class, 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 use data to address possible inequity.

# 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.

- Asking binary sex/gender can leave out a significant portion of the population.
- Respondents can find more detailed SOGI 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.



# Privacy Protection

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 and some surveys 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.

- Talk to your Senior Agency Official for Privacy (SAOP)
  - Strip out SOGI before adjudication
  - Consider data held by States, schools, grantees, etc.
  - Explicitly list allowable uses in regs, SORNS, 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 to your GC.
  - For HR systems, allow employees to access and modify their responses at any time without restriction.
  - Dispose of historical records.

# 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.

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 SOGI Module: Gender Identity

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

- Female
- Male

How do you currently describe yourself? (Mark all that apply.)

- 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

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

- Gay or lesbian
- Straight, that is not gay or lesbian
- Bisexual
- I use a different term (specify) \_\_\_\_\_
- I don't know

# Example Inclusive Gender Question

Are you:

Mark all that apply.

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

# Example LGBTQ Status Question

Which of the following do you consider yourself to be?  
You can select as many as apply.

- Straight or heterosexual
- Gay
- Lesbian
- Bisexual
- Transgender



Thank You!