

Testimony of Katharine Abraham
Chair, Commission on Evidence-Based Policymaking
House Committee on Oversight and Government Reform
Hearing of September 26, 2017

Chairman Gowdy, Ranking Member Cummings, and honored members of the Committee,

Thank you for the opportunity to speak with you today about the Commission’s report. I will focus on our recommendations related to secure access to confidential data for evidence building. This is an area in which I have personal experience, having served two four-year terms as Commissioner of the Bureau of Labor Statistics in the Department of Labor.

I know that this Committee has taken a particular interest in making sure that open data from the Federal government are available to the public. The Commission, on the other hand, focused mainly on data that are not readily accessible for evidence building because of confidentiality concerns and legal restrictions. The open data initiative has done a great deal to make government data more available for evidence building and all of us applaud the work this Committee has done to make that possible. Our charge was somewhat different—to figure out how to harness the power of data that can’t be made publicly available.

During its fact-finding phase, the Commission heard about several examples of analyses using confidential data that have generated valuable information for designing and carrying out programs and policies, such as the path-breaking research of Stanford University Professor Raj Chetty and his collaborators on social mobility. Too often, however, legal and bureaucratic barriers to accessing data have prevented researchers from studying important policy questions. Surmounting these barriers is especially difficult when the researcher seeks to access data from multiple jurisdictions or agencies. The Commission believes that enabling better use of confidential data the government has already collected will produce substantial benefits for society.

In its review of laws applicable to the collection, protection and sharing of data, the Commission found considerable variation in provisions governing data confidentiality and permissible uses of data for evidence building. For example, the laws that authorize statistical agencies include varying restrictions on who can access data that have been collected and for what purposes. Many program agencies’ authorizing statutes do not address data confidentiality and the use of data for evidence building at all. Other program agencies’ laws establish narrow standards for the acceptable use of administrative data that limit the availability of these data for evidence building. For example, Title 26 of the U.S. Code generally limits the use of tax data to projects that would improve “tax administration,” precluding the use of these data to provide critical insights about the impacts of programs and policies across the government.

To provide clarity about permissible statistical uses, the Commission recommends that Congress build on the legal framework for data protection already established under the Confidential

Information Protection and Statistical Efficiency Act (CIPSEA). Recommendation 2-3 proposes to extend the protective CIPSEA framework to enable the National Secure Data Service (NSDS) to acquire and combine survey and administrative data collected by other agencies. In addition, the Commission addresses legal limitations on the permissible uses of administrative data that preclude their use for evidence building. The Commission proposes that the Congress and the President review and, where appropriate, revise relevant statutes to authorize access and use of such data for statistical purposes, under the stringent privacy protections of the expanded CIPSEA framework. The Commission similarly recommends making more of the data collected by the states in the course of operating federally-supported programs available for evidence-building purposes.

The Federal government's Principal Statistical Agencies (PSAs) are already covered by CIPSEA. They have a long history of providing secure access to confidential data and ensuring that researchers abide by strict rules to protect confidentiality. Despite their central role in providing policy-relevant information and their expertise in data stewardship, the heads of the PSAs generally do not have a seat at the table when other senior agency officials—such as the Chief Information Officer and the Chief Privacy Officer—are considering changes that would have an impact on data resources. The Commission envisions a broadened role for the PSAs in regard to decisions about data across their departments. Specifically, the Commission recommends that Federal departments assign a Senior Agency Official for Data Policy—in most cases the head of the departmental PSA—to coordinate access to data and stewardship of the department's data resources for evidence building.

Implementation of these recommendations will be vital for ensuring that the evidence-building community has access to data well-suited to generating insights about Federal programs and policies. Taken together with the Commission's recommendations related to privacy, to be described by Commissioner Latanya Sweeney, the Commission's recommendations on data access will allow data that the government has already collected to be safely harnessed to produce the evidence that is needed to make government work better.