

The Data Coalition is America's premier voice on data policy and advocates for responsible policies to make government data high-quality, accessible, and usable. Our work unites data communities that focus on data science, management, evaluation, statistics, and technology in companies, nonprofit organizations, and academia.

The Data Coalition applauds GSA for its efforts to assemble a draft ethics framework, acknowledging the tremendous impact of data on every aspect of American life. The framework's four parts provide a good starting point for fully incorporating ethics into data management. These comments are intended to provide GSA with opportunities to more fully explore and expand an ethics framework, and support the overall adoption of good ethical practices. The brief recommendations here are intended to highlight opportunities for the framework to add specificity and clarity.

General

The introduction to the framework should clearly delineate why it matters, the role of ethics and the pursuant values that provide benefits to the American people. The absence of this information as a priority in the introduction to the document leaves questions until the benefits are discussed near the conclusion. Users of the framework will need to understand the reasoning, benefits, and necessary action items.

Section 2.2

Section 2.2 defines the intended audience of this framework beyond federal employees to include contractors, researchers, and other partners. We are pleased to see this expansive view of federal data users. However, the draft framework's recommendations are directed towards "federal leaders" and "federal employees," but it is unclear how these categories are defined. The framework should be more explicit on who it considers a federal leader, sensitive to the realities and purview of high-level political appointees, decision-makers, and supervisors. As it stands, it is unclear if the framework will apply to contractors and outside researchers as well. Added clarification on the unique roles and responsibilities for federal data users, inclusive of contractors and outside researchers, would improve this framework.

Section 3.1

Section 3.1 defines data ethics as norms of behavior. The Data Coalition recommends that ethics be considered stronger than norms and holds that developing formal rules of conduct would serve to strengthen the benefits in Section 5.1.

Section 3.2

Section 3.2 outlines the types of data and data uses that the ethics tenants apply to. It focuses primarily on the privacy concerns of individual data. The Data Coalition recommends expanding this section to explicitly include business data, including confidential business information, and the concerns of proprietary data.

Section 4

Section 4 attempts to provide guidelines for determining correct actions in accordance with the overall framework but lacks an explicit statement of the values underlying and informing that framework. A statement of values would help improve the understanding of the intent of these tenants.

Section 4.2

Section 4.2 recommends that agencies support honesty and integrity by defining processes for reporting data ethics concerns and violations. The framework would benefit from providing examples of success reporting systems for agencies. GSA should explore establishing to review ethical questions, in a way that reinforces public trust in the framework. Specifically, the Data Coalition recommends exploring how to use Inspectors General or other independent authorities as an option for reporting and adjudication.

Section 4.4

The legal authorities in this section should explicitly tie to the recommendations and requirements of the OPEN Government Data Act, Title II of the Foundations for Evidence-Based Policymaking Act.

Section 4.6

Section 4.6 and the recognition of the role of privacy is essential for a data ethics framework. The Data Coalition recommends acknowledging the complex nature of risk assessment, disclosure avoidance, and confidentiality protections. The risks should be evaluated on a scale, rather than a simple binary. The Evidence Act provides opportunities for agencies to better evaluate risks and plan for responsible management.

Section 5.2

The utility of these Use Cases could be improved by providing sample answers to respond to the sample questions. Sample answers would help illustrate decision making that is informed by the framework, as well as provide an opportunity to explicitly state the underlying values in order to improve understanding of the intent behind each tenant.

Other

- The Confidential Information Protection and Statistical Efficiency Act of 2002 was reauthorized in 2018 as Title 3 of the Foundations for Evidence-Based Policymaking Act.
- Additional Resource: [Data Ethics Collateral from the United Kingdom](#)
- Typo: The bill is titled “Foundations for Evidence-Based Policymaking Act”, not the “Foundations of Evidence-Based Policymaking Act”