

**March 14, 2022**

**RE: Office of Information and Regulatory Affairs, Request for Comment on Interagency Council on Statistical Policy's Recommendation for a Standard Application Process**

To Whom It May Concern:

The Data Foundation is a non-profit organization that seeks to improve government and society by using data to inform public policymaking. Our Data Coalition Initiative is America's premier voice on data policy, advocating for responsible policies to make government data high-quality, accessible, and usable. An important part of that effort is supporting the development and implementation of the Foundations for Evidence-Based Policymaking Act (Evidence Act).

The Data Coalition applauds the development of the Standard Application Process (SAP) envisioned by the Interagency Council on Statistical Policy (ICSP). The proposal presented by the ICSP is a productive first step in the long journey toward making government data more accessible to researchers, even if it does signal just how long the road ahead is for productively improving the access to those data assets.

As the White House Office of Management and Budget (OMB) implements the new Evidence Act Title 3 requirements, including the SAP, the Data Coalition reiterates the importance of developing the SAP as a part of the larger vision of the Evidence Act. This is especially relevant because the provisions added to Title 3 (Confidential Information Protection and Statistical Efficiency Act [CIPSEA]) Part D. These provisions provide for improved data sharing and access, upon which necessitates an efficient, effective, and integrated SAP that is not just a front door to access CIPSEA-protected data, but one that also improves the ability to generate timely evidence for decision-making. Ultimately, improved processes for granting access to datasets are part of an effective and well-governed ecosystem that facilitates secure and accessible data sharing.

Given the broad intent of the SAP described in Title 3, the Data Coalition is concerned about the ICSP's recommendation as too limiting and narrow for achieving the goals of the Evidence Act, namely that while researchers will have a common place to apply for access, they will still have trouble accessing federal data used for evidence-building activities. The SAP was envisioned as a key component in a broader effort to improve access to federal data, not solely statistical data assets.

In order to more fully realize the intention of the Evidence Act, the SAP may require the development of additional guidance and rules that have not yet been published or promulgated, such as the Presumption of Accessibility for statistical agencies and units, and expanding access to CIPSEA datasets, including data sensitivity considerations. Of note, the Presumption

of Accessibility Regulation is a key regulatory recommendation from the Commission on Evidence-Based Policymaking of 2017, and reiterated in the Evidence Act itself, that would make agency data accessible, upon request, to any statistical unit for the purpose of generating evidence. To institute this assumption, OMB must first take regulatory action.

Without the additional OMB guidance and regulatory actions, the ICSP's vision of a SAP will be limited to the statistical agencies rather than the whole of government data assets or achieve the broader impact envisioned under the Evidence Act. Though the ICSP's recommendation will provide researchers with a greater understanding of the data that exists within the statistical system today, the availability of data for evidence-informed policymaking will remain unnecessarily and needlessly restricted.

As addressed in this notice, the Evidence Act intended the creation of the SAP to establish a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals may apply for access to confidential data assets accessed or acquired by a statistical agency or unit. Without the direction from OMB on presumption of access or secure, transparent open data standards, the SAP is unable to provide researchers the ability to request administrative data from federal agencies in a way that realizes this full vision. The Data Coalition strongly urges OMB to issue the remaining Evidence Act guidance and regulatory actions to build the data infrastructure necessary to ensure an SAP can be put to the best use. In addition, the Data Coalition encourages the statistical system to accelerate actions that would expedite decision-making on data access once applications are received,

Thank you for the opportunity to provide comment on this very important issue, and we hope to continue to support your efforts in the successful implementation of the Evidence Act. Please contact me at [corinna@datafoundation.org](mailto:corinna@datafoundation.org) if you have any questions or would like to discuss the Data Coalition's interest in this matter further.

Sincerely,

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Data Coalition