



Boston University Center for Antiracist Research

October 03, 2022

Submitted via <https://www.regulations.gov>

Attn: NSTC Subcommittee on Equitable Data
Office of Science and Technology Policy
Eisenhower Executive Office Building
1650 Pennsylvania Ave. NW, Washington, DC 20504

Re: 87 FR 54269, [OSTP Docket No. 2022-19007](#), Boston University Center for Antiracist Research Response to Request for Information; Equitable Data Engagement and Accountability

Dear Members of the NSTC Subcommittee on Equitable Data:

The Boston University Center for Antiracist Research (“the Center”) is a nonpartisan, nonprofit, university-based research center that seeks to devise novel and practical ways to understand, explain, and solve seemingly intractable problems of racial inequity and injustice. We foster exhaustive research, policy innovation, data-driven educational and advocacy campaigns, and narrative-change initiatives to build an antiracist society that ensures equity and justice for all.

The collection and publication of equitable data is a critical aspect of understanding and dismantling racism.¹ The Request For Information describes equitable data as “data that allow for rigorous assessment of the extent to which government programs and policies yield consistently fair, just, and impartial treatment of all individuals, including those who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.” This includes racial and ethnic demographic data. When governmental agencies and jurisdictions do not comprehensively collect racial and ethnic data or share that data with one another and the public, it is impossible to accurately track and disrupt manifestations of racism.

Data equity thus requires three things: (1) comprehensive racial and ethnic data

¹ “Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” *White House Briefing Room* (Jan. 20, 2021), www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/.

collection, (2) standardization of data collection methods across jurisdictions and levels of government, and (3) public access to that data. The collection of racial and ethnic data helps illustrate where inequities exist; the standardization of data collection allows for comparisons across jurisdictions and levels of government; and the publication of data allows for assessments of the effectiveness—or ineffectiveness—of government programs and policies at mitigating racism.

This comment responds to the Request for Information’s questions regarding the improvement of data sharing between levels of government, and public accessibility of equitable data.² We offer the following recommendations with the aim of improving the quality and accessibility of racial and ethnic demographic data, so that researchers, advocates, policymakers, and the public can better assess whether government programs and policies promote racial equity or inequity. These recommendations are informed by our prior publications and ongoing research regarding the collection and reporting of data that reveal racial and ethnic inequities.³

An Initiative to Support and Encourage the Centralized Management of Equitable Data within Levels of Government in order to Facilitate Data Sharing Across Levels of Government (responding to question #3)

There are four factors that currently inhibit the collection and sharing of equitable data: 1) an undefined data strategy at each level of government;⁴ 2) the absence of a point person responsible for coordinating data sharing across levels of government;⁵ 3) non-standard operating procedures around data collection and reporting that make it difficult or impossible to compare data

² Office of Science and Technology Policy, “Request for Information; Equitable Data Engagement and Accountability,” *Federal Register* (Sept. 2, 2022), www.federalregister.gov/documents/2022/09/02/2022-19007/request-for-information-equitable-data-engagement-and-accountability.

³ Neda A. Khoshkhoo *et al.*, “Toward Evidence-Based, Antiracist Policymaking: Problems and Proposals For Better Racial Data Collection and Reporting,” *Boston University Center for Antiracist Research* (June 2022), www.bu.edu/antiracism-center/files/2022/06/Toward-Evidence-Based-Antiracist-Policymaking.pdf.

⁴ Russell T. Vought, “Federal Data Strategy — A Framework for Consistency,” Office of Management and Budget (June 4, 2019), www.whitehouse.gov/wp-content/uploads/2019/06/M-19-18.pdf. Provided a mission statement, principles, and practices to provide a government-wide vision for how agencies should manage and use data only at the federal level of government.

⁵ Andrew Westrope, “Chief Data Officers in Place in Over Half of U.S. States,” *Governing* (Jan. 14, 2020), <https://www.governing.com/now/cdos-are-growing-now-more-than-half-of-us-states-have-them.html#:~:text=Evolution%20of%20the%20State%20CDO&text=Of%20the%2022%20states%20that,Oklahoma%2C%20West%20Virginia%20and%20Wisconsin>; Domeyer *et al.*, “Government data management for the digital age,” *McKinsey & Company* (Sept. 20, 2021), www.mckinsey.com/industries/public-and-social-sector/our-insights/government-data-management-for-the-digital-age.

across jurisdictions;⁶ and 4) public officials that have not been trained or prepared to maintain data quality and governance.⁷

As discussed further below, the Office of Science and Technology Policy (“OSTP”) could address several of these deficiencies by (1) encouraging the establishment of Chief Data Officers (“CDO”) *within* levels of government; and (2) creating an Intergovernmental Council of Chief Data Officers to facilitate communication *across* levels of government.

Encourage the Establishment of Chief Data Officers

One way for the federal government to facilitate the collection, standardization and publication of racial and ethnic data is to encourage the establishment of Chief Data Officers within levels of government.

First, CDOs would be responsible for developing a data strategy that sets forth a vision and plan for how to use data to improve government performance and integrate equitable data into the administration of government programs and policy. A comprehensive data strategy would include collection, reporting, storage, analysis, acquisition, and sharing activities. This strategy would also include a plan for reporting data across levels of government.

Second, CDOs would be responsible for coordinating the execution of their data equity strategies across agencies at their level of government and with other levels of government. They would also be responsible for serving as the central point of contact for executive officials administering programs in furtherance of the data strategy. When executives of different levels of government collaborate on policy decisions or government programs, their respective CDOs would equip them to proceed in a manner that is informed by equitable data.

Third, CDOs would be responsible for implementing uniform data collection and reporting standards – including for racial and ethnic data collection. The current lack of such uniform standards inhibits sharing and comparing data across levels of government. With respect to racial and ethnic data, variations in data collection methods inhibit comparisons that facilitate observation and tracking of manifestations of racism. CDOs would also be responsible for

⁶ Khoshkhoo *supra*, note 3.

⁷ Brian Eastwood, “Chief data officers don’t stay in their roles long. Here’s why,” *MIT Sloan School of Management* (Sept. 1, 2022), <https://mitsloan.mit.edu/ideas-made-to-matter/chief-data-officers-dont-stay-their-roles-long-heres-why>.

managing existing data repositories – many of which are incomplete, contain errors, and are incompatible with each other.⁸ Uniform standards facilitate more effective sharing of equitable data between levels of governments.

Finally, CDOs would be responsible for overseeing training and upskilling programs in equitable data collection. A CDO would be the focal point of accountability for maintaining data quality and governance within their jurisdiction. This includes establishing and enforcing standard operating procedures and addressing regulatory and legal compliance matters.

Currently, the status of CDOs in the United States is inconsistent across states and localities. While most states (39) have adopted CDOs,⁹ recent reports indicate only 4 counties¹⁰ and 12 cities¹¹ have CDOs.

The OSTP can support data sharing between levels of government by supporting the establishment of CDOs in jurisdictions where they do not yet exist.¹² These CDOs would improve data collection and management within their designated levels of government by establishing standard procedures, and would improve data sharing across levels of government by establishing channels of communication with one another.

It is essential that CDOs have expertise in collecting and analyzing of racial and ethnic data. Notably, recent studies of private sector CDOs have found that as many as 80% identify as white males, and there is a prevailing homogeneity in their professional backgrounds – namely over 20 years of experience in the technology industry.¹³ We recommend the OSTP encourage different levels of government to 1) prioritize expertise in the collection and analysis of racial and

⁸ Ruth T. Perot and Mara Youdelman, "Racial, Ethnic, and Primary Language Data Collection in the Health Care System: An Assessment of Federal Policies and Practices," 21, *The Commonwealth Fund* (Sept. 1, 2001),

www.commonwealthfund.org/sites/default/files/documents/_media_files_publications_fund_report_2001_sep_racial_ethnic_and_primary_language_data_collection_in_the_health_care_system_an_assessment_of_fed_perot_raceethnic_492.pdf.

⁹ Colin Wood, "The state chief data officer is here to stay," *Statescoop* (Mar. 27, 2022), www.statescoop.com/state-chief-data-officer-2022/.

¹⁰ "Chief Data Officers: Which State and Local Governments Have a CDO?" *Government Technology* (July 6, 2018), www.govtech.com/people/chief-data-officers-which-state-and-local-governments-have-a-cdo.html.

¹¹ Data-Smart City Solutions, "Who Are America's City Chief Data Officers?" *Bloomberg Center for Cities at Harvard University* (Dec. 7, 2020), <https://datasmart.ash.harvard.edu/news/article/data-leadership-at-the-executive-level-761>.

¹² Strategy& "In the age of data, why are there so few Chief Data Officers?" *PwC* (2021), www.strategyand.pwc.com/de/en/functions/digital-cloud-data-strategy/cdo-2021/strategyand-cdo-study-2021.pdf.

¹³ *Id.*

ethnic data and 2) take steps to examine inequity in the hiring of those responsible for equitable data.

Establish an Intergovernmental Council of Government Chief Data Officers

The federal government could further facilitate equitable data collection, sharing, and publication by establishing a formal structure for communication and collaboration among CDOs. This could take the form of an Intergovernmental Council of CDOs that would be tasked with setting standard procedures for racial and ethnic data collection. These standards would facilitate comparisons across levels of government, improving the ability of governments and the public to assess how government policies and programs promote or inhibit racial equity.¹⁴

Examples of the kinds of standards an Intergovernmental Council of CDOs might set include: determining clear, executable standards for collecting equitable data, including racial and ethnic data; setting data storage files in formats that can be easily processed by researchers; and providing a central location with reproducible data examples.

Currently, there are professional conferences that bring together state and local data officials,¹⁵ as well as the Federal CDO Council,¹⁶ and the State CDOs Network,¹⁷ which aim to standardize best practices within their respective levels of government.

An Intergovernmental Council of CDOs would add the critical function of facilitating standardization and reporting across levels of government, allowing for comparative analyses regarding the racialized impact of particular policies and programs. We also recommend that the Council include representatives of community organizations with experience regarding racial and ethnic data collection, who can inform CDOs about gaps and deficiencies.

Continuously Improved and Standardized Racial and Ethnic Categories Used in Equitable Data Collection (responding to question #3)

¹⁴ Guangyu Zhang *et al.*, "Multiple Imputation of Missing Race and Ethnicity in CDC COVID-19 Case-Level Surveillance Data" *Int. J. Stat. Med. Res.*, 11:1-11 (Jan. 28, 2022), <https://stacks.cdc.gov/view/cdc/116004>.

¹⁵ CDO Network USA, "Summary," *The Network Group* (Accessed Oct. 3, 2023), <https://thenetwork-group.com/us-chief-data-officer-network/>; "Chief data & analytics officers government 2023" *Coriniumm* (Accessed Oct. 3, 2023), <https://cdao-gov.coriniumintelligence.com/>.

¹⁶ "About us" *CDO Federal Council* (Accessed Oct. 3, 2023), <https://www.cdo.gov/about-us/>.

¹⁷ "State Chief Data Officers Network" *Georgetown University Beeck Center* (Accessed Oct. 3, 2023), <https://beeckcenter.georgetown.edu/projects/state-cdo-network/>.

Data equity requires improvement of the racial and ethnic categories used for data collection, standardization of those categories across reporting entities, and regularly updating the categories to reflect changing conceptions of race.

Racial and ethnic data collection can shed light on racial inequities, and thereby shed light on the racist policies and practices causing those inequities, but only if the categories used for data collection closely approximate racialized experiences. The more these categories reflect racialized realities, the better we can understand how racism manifests and how it can be mitigated. An example of this is when distinct racialized groups are classified as white, when that is at odds with how they are racialized in society and their experience as frequent targets of racial subordination.

Currently, federal agencies and many local and state agencies use the racial and ethnic categories promulgated by the OMB, which have not been updated since 1997.¹⁸ In many instances, these categories are broad, outdated, or inaccurate.¹⁹ As a result, large groups with disparate racialized experiences are lumped together,²⁰ and more people are identifying as “Other Race” in data collection efforts.²¹ This lumping together of groups with distinct experiences of racism, coupled with the growing use of the “Other Race” category, can lead to data confusion and obscure the true extent of inequities.

However, if states make individual choices about how to improve the racial categories, the lack of standardization precludes comparisons across jurisdictions. As our Center noted in a recent report on the matter, “[s]tate and local sources of racial and ethnic data often vary in standards for how to report, what to report, when to report it, and even whether to report it at all.”²² The lack of uniform standards “has meant that existing data repositories are incomplete, contain errors, are usually incompatible with each other, and are

¹⁸ “2020 Census Informational Questionnaire,” *U.S. Census Bureau* (Accessed Oct. 3, 2023), www2.census.gov/programs-surveys/decennial/2020/technical-documentation/questionnaires-and-instructions/questionnaires/2020-informational-questionnaire-english_DI-Q1.pdf. “American Indian or Alaska Native,” “Asian,” “Black or African American,” “Native Hawaiian or Other Pacific Islander,” and “White,” and two ethnic categories “Hispanic” and “Not Hispanic.”

¹⁹ Khoshkhoo *supra*, note 3, at 1, 49.

²⁰ *Id.*

²¹ Hansi Lo Wang, “1 in 7 People Are ‘Some Other Race’ on the U.S. Census. That’s a Big Data Problem,” *NPR* (Sept. 30, 2021), www.npr.org/2021/09/30/1037352177/; Eric Jensen *et al.*, “2020 Census Illuminates Racial and Ethnic Composition of the Country,” United States Census Bureau (Aug. 12, 2021), www.census.gov/library/stories/2021/08/2020-united-states-population-more-racially-ethnically-diverse-than-2010.html.

²² Khoshkhoo *supra*, note 3, at 2.

often internally inconsistent over time, jurisdictions, subjects, and levels of analysis.”²³

Accordingly, we recommend both improving the racial categories that are used for data collection, and standardizing those categories across jurisdictions. We recognize the complexities of this subject, and this Fall we are convening scholars and advocates to examine ways the categories can be amended to better approximate experiences of structural racism. Our policy recommendations will be released in 2023.

Improving the racial and ethnic categories used for data collection is not a one-time endeavor. Tracking racism requires updating the categories to reflect changing conceptions of race – and, thus, changes in racialized experiences. A continuously improved and standardized system would allow robust analysis and comparisons across levels of government and over time. Federal leadership is best suited to promulgate such standards.

Integrate Public Transparency and Accountability into Data Sharing Programs

Equitable data is that which “allow[s] for rigorous assessment” of government programs.²⁴ Accordingly, data sharing between levels of government only furthers the goal of equity if data is also made accessible to the public.

We recommend publishing the standards that an intergovernmental council of CDOs would produce. This would empower scholars, advocates, lawmakers, research centers, and community-based organizations to access equitable data and hold their governments accountable for failures and successes in promoting equity.

Conclusion

The Center recommends facilitating data equity by improving racial and ethnic data collection, standardization, and publication. The establishment of CDOs, collaboration among those CDOs, and engagement with community advocates can further these objectives, and allow for more rigorous assessments of the racialized impact of government policies and programs.

²³ *Id.*, at 1, 49.

²⁴ Khoshkhoo *supra*, note 3.