



Context and Year 2 Considerations from the Evidence Act (CIPSEA)

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- NSDS attributes and functions from ACDEB Year 1 Report
- NSDS building blocks from the Evidence Act
- Links between the Evidence Act and the Year 1 Report

Year 1 Report Vision: Evidence Act and NSDS Links

- NSDS will be an important component of the broader evidence-building ecosystem
- NSDS will build on the framework established in the Evidence Act, including operating under CIPSEA
- Establishment and success of NSDS, and meeting the goals of the Evidence Act, depend heavily on the full implementation of the Evidence Act
- Evidence Act provisions and the related activities strengthen the evidence-building ecosystem in which the NSDS will operate by establishing essential authorities, responsibilities, and frameworks

Vision for a National Secure Data Service: Attributes and Functions

Structural requirement

- Legally recognized entity with hardware, software, and administrative infrastructure and capacity

Required organizational attributes

- Transparency and trust
- Accessibility
- Independence
- Legal responsibility to acquire, protect, and link data
- Scalable functionality
- Sustainability
- Oversight and accountability
- Intergovernmental support

Required functional capabilities

- Coordinating function (across governmental and non-governmental entities)
- Communicating function (value and use of data in government)
- R&D function (data privacy, linkage technology)
- Data concierge/librarian function

The Evidence Act (CIPSEA 2018): Building Blocks for the NSDS

- New authorities and greater protections for trusted intermediaries
- A presumption of access to federal government data
- Requirement to protect data under a consistent, secure, and comprehensive approach
- Requirement to operate and use a standard application process and portal
- Requirement to provide any access to data under a consistent, secure, and comprehensive tiered access approach

	CIPSEA 2018 Provisions						Other Relevant Statutes		
	Coordination and Oversight of Policies (Sec. 3562)	Responsibilities for Statistical Agencies (Sec. 3563)	Confidential Information Protection (Sec. 3572)	Presumption of Accessibility (Sec. 3581)	Expand Secure Access to CIPSEA Data Assets (Sec. 3582)	Standard Application Process (Sec. 3583)	Authority and Functions of OMB 3504 (e)	Federal Agency Responsibilities 3506	Agency specific authorizing statutes
Structural requirement									
•Legally recognized entity with hardware, software, and administrative infrastructure and capacity	X	X	X	X	X	X		X	X
Organizational Attributes									
•Transparency and trust		X		X	X	X			
•Accessibility				X	X	X			
•Independence		X							
•Legal responsibilities to acquire, protect, and link data	X			X	X	X			
•Scalable functionality			X						
•Sustainability									X
•Oversight and accountability	X	X			X	X	X		X
•Intergovernmental support						X			
Required Functional Capabilities									
•Coordinating Function (Across governmental and non-governmental entities)	X						X		
•Communicating Function (Value and Use of Data in Government)		X						X	
•R&D Function (data privacy, linkage technology)									
•Data Concierge/Librarian Function						X			

Transparency and Trust / Independence



	CIPSEA 2018 Provisions						Other Relevant Statutes		
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Organizational Attributes									
•Transparency and trust		X		X	X	X			
•Independence		X							

Evidence Act	ACDEB Year 1 Report
<p>Section 3563: Statistical Agency Responsibilities</p> <ul style="list-style-type: none"> Statistical agencies: Produce and disseminate relevant and timely information; conduct credible and accurate statistical activities; conduct objective statistical activities; protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses Other agencies: Enable, support, and facilitate statistical agencies in carrying out responsibilities OMB: Prescribe appropriate regulations <p>Section 3583: Standard Application Process</p> <ul style="list-style-type: none"> Statistical agencies: Implement the process; comply with regulations OMB: Establish a process for parties (including State, local, and Tribal governments) to apply for access to data assets accessed or acquired by statistical agencies for evidence building, including standards for full transparency 	<p>Transparency and trust: To maintain the public’s trust, the NSDS must be transparent about what data are being used in which projects, provide fair access to qualified researchers, share its policies, and take steps to inform the public about the value it is providing (page 20).</p> <p>Independence: To be successful, the NSDS must set strategic priorities and operate apart from political influence, while still coordinating closely with federal agencies (page 20).</p>

Intergovernmental Support



	CIPSEA 2018 Provisions						Other Relevant Statutes		
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Organizational Attributes									
• Intergovernmental support						X			

Evidence Act	ACDEB Year 1 Report
<p>Section 3583: Standard Application Process</p> <ul style="list-style-type: none"> • OMB: Consult with stakeholders, including the public, agencies, State and local governments, and representatives of non-governmental researchers • Also, establish a process for appropriate parties (including State, local, and Tribal governments) to apply for access to data assets accessed or acquired by statistical agencies for evidence building, including standards for full transparency • Statistical agencies: Implement the process 	<p>Intergovernmental support: The NSDS would need the ability to coordinate across governmental boundaries, bringing in state and local governments as research partners for federal agencies. In addition, the NSDS may need to comply with state rules on accessing state data or establish standards to which state and local partners will need to adapt their statutes and regulations. Therefore, it would be important to have state representation on the advisory board (page 22).</p>



Accessibility / Legal responsibility to acquire, protect, and link data

	CIPSEA 2018 Provisions						Other Relevant Statutes		
	Coordination and Oversight of Policies (Sec. 3562)	Responsibilities for Statistical Agencies (Sec. 3563)	Confidential Information Protection (Sec. 3572)	Presumption of Accessibility (Sec. 3581)	Expand Secure Access to CIPSEA Data Assets (Sec. 3582)	Standard Application Process (Sec. 3583)	Authority and Functions of OMB 3504 (e)	Federal Agency Responsibilities 3506	Agency specific authorizing statutes
Organizational Attributes									
•Accessibility				X	X	X			
•Legal responsibilities to acquire, protect, and link data	X			X	X	X			

Evidence Act

Section 3581: Presumption of Accessibility

- **OMB:** Prescribe appropriate regulations; require timely provision of data assets; provide a list of statutes that exempt agencies; establish clear and consistent standards for complying with Privacy Act or other applicable laws; require transparent process for statistical agencies to request data assets and for agencies to respond
- **All Federal agencies:** Make any data asset available to any statistical agency or unit for evidence building unless prohibited by statute; comply with the regulation

Section 3582: Expand Secure Access to CIPSEA Data Assets

- **Statistical agencies:** Expand access to data assets acquired or accessed to develop evidence while protecting against inappropriate access and use; comply with regulations
- **OMB:** Set standards for agencies to assess sensitivity levels and identify levels of accessibility; set standards to improve access to data assets; require each statistical agency to conduct comprehensive risk assessments; require that any process or assessment be transparent and easy to understand, including making sensitivity levels, risk assessments, and standards and policies publicly available

ACDEB Year 1 Report

Accessibility: The NSDS will fail to live up to its mission if it exists merely in the realm of case study, accessible to only the savviest of data users. Accessibility embraces plain language, diverse stakeholder engagement in governance, and ongoing assessments of timeliness of data availability, access, and use (page 20).

Legal responsibility to acquire, protect, and link data: To be successful, the NSDS must set strategic priorities and operate apart from political influence, while still coordinating closely with federal agencies (page 20).

R&D Function



	CIPSEA 2018 Provisions						Other Relevant Statutes		
	Coordination and Oversight of Policies (Sec. 3562)	Responsibilities for Statistical Agencies (Sec. 3563)	Confidential Information Protection (Sec. 3572)	Presumption of Accessibility (Sec. 3581)	Expand Secure Access to CIPSEA Data Assets (Sec. 3582)	Standard Application Process (Sec. 3583)	Authority and Functions of OMB 3504 (e)	Federal Agency Responsibilities 3506	Agency specific authorizing statutes
Required Functional Capabilities									
•R&D Function (data privacy, linkage technology)									

Evidence Act	ACDEB Year 1 Report
	<p>Privacy and confidentiality: The NSDS will exhibit and champion privacy and confidentiality best practices, including...facilitating research, development, and adoption of practices and methods that enhance privacy and confidentiality (page 6).</p> <p>Innovation: The NSDS will be an instrument for innovation across the evidence-building ecosystem and will continually evaluate opportunities for ongoing improvement (page 6).</p>

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Structural requirement									
•Legally recognized entity with hardware, software, and administrative infrastructure and capacity	X	X	X	X	X	X		X	X
Organizational Attributes									
•Transparency and trust		X		X	X	X			
•Accessibility				X	X	X			
•Independence		X							
•Legal responsibilities to acquire, protect, and link data	X			X	X	X			
•Scalable functionality			X						
•Sustainability									X
•Oversight and accountability	X	X			X	X	X		X
•Intergovernmental support						X			
Required Functional Capabilities									
•Coordinating Function (Across governmental and non-governmental entities)	X						X		
•Communicating Function (Value and Use of Data in Government)		X						X	
•R&D Function (data privacy, linkage technology)									
•Data Concierge/Librarian Function						X			

For Reference