

National Secure Data Service Act

The emerging need to securely share, link, and use information collected by different government agencies and entities is challenged today based on administrative, legal, and operational hurdles. The National Secure Data Service Act (H.R. 3133), sponsored by Rep. Don Beyer (D-VA), seeks to implement a demonstration project for a data service that could rapidly address policy questions and reduce unintended burdens for data sharing while aligning with design principles and concepts presented in recommendations from data and privacy experts. The proposal specifically cites an effort to support full implementation of recommendations made by the bipartisan U.S. Commission on Evidence-Based Policymaking for data linkage and access infrastructure.



DATA
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data coalition

Why is the National Secure Data Service Act necessary?

The federal government's data infrastructure is largely decentralized. Individual agencies and programs may collect data without sharing or using information already collected by other parts of government. This imposes undue burdens on the American public and businesses through repeated reporting of information the government may already have. Creating a capacity to securely share information while still protecting confidentiality and deploying other privacy safeguards offers tremendous potential for developing new insights and knowledge to support statistical analysis and summary-level information relevant for evidence-based policymaking and practice.

The National Secure Data Service Act builds on the bipartisan and unanimous recommendations from the U.S. Commission on Evidence-Based Policymaking in 2017, a 2017 consensus proposal from the National Academies of Sciences, Engineering, and Medicine, and a suggested roadmap published by the Data Foundation in 2020. The proposed legislation creates an expectation for the National Science Foundation (NSF) to make rapid progress in launching a data service and transparently supporting government-wide evidence-building activities.

How will a National Secure Data Service protect privacy?

Under the proposed legislation, the data service at NSF must adhere to federal privacy laws, including the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA). This law was most recently reauthorized by Congress with bipartisan approval in 2018, establishing one of the strongest government privacy laws in the world, including strong criminal and civil penalties for misuse. The proposed data service can only operate using the CIPSEA authority and in compliance with the Privacy Act of 1974. The data service will also provide information to Congress about specific policies and practices deployed for protecting data.

Will the American public have knowledge about projects conducted at the National Secure Data Service?

Yes. Consistent with principles about transparency specified by experts from the Evidence Commission, National Academies panel, and the Data Foundation, the proposed legislation specifically directs NSF to publish information about activities that are underway. In addition, Congress will receive a report on all projects, including information about the costs and benefits of each.

How does the proposed legislation relate to the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act)?

The National Secure Data Service builds on existing capabilities and authorities established in the Evidence Act, while also providing a resource for federal agencies, researchers, and data analysts to responsibly produce insights that can address questions in agency evidence-building plans (i.e., learning agendas). When Congress approved the Evidence Act, the creation of an advisory committee was intended to signal Congress' continued interest in establishing a data service and provide relevant information to support the implementation of the next steps within two years of enactment. As of 2022, more than three years after the enactment of the Evidence Act, the advisory committee continues to meet and consider technical implementation details of the 2018 Act. The proposed legislation for a National Secure Data Service builds on this momentum and will set up the formal authorization of a data service envisioned by the U.S. Commission for Evidence-based Policymaking and the Evidence Act which it influenced.

Does the National Secure Data Service Act supersede advice expected in 2021 and 2022 from the Federal Advisory Committee on Data for Evidence Building?

No. The Federal Advisory Committee on Data for Evidence Building is a collection of nearly 30 experts considering a range of topics related to data linkage and use. Nothing in the proposed legislation restricts the ability of the advisory committee to offer recommendations to the Office of Management and Budget, as required by its charge in the Evidence Act. Instead, the legislation specifically encourages NSF to consider practices and recommendations from the advisory committee as part of its administrative implementation efforts. The role of the advisory committee is also likely to be increasingly influential in supporting the tangible implementation of activities at NSF under the proposed legislation.

Will a National Secure Data Service displace existing data linkage activities in the Federal Statistical System?

No. The data service is designed to supplement rather than displace any existing, successful, and sufficiently secure data linkage arrangements. Statistical agencies engaged in production-level data collection, sharing, and publication for the development of federal statistical indicators will receive additional capabilities from the National Secure Data Service but could retain existing practices.

Is the National Science Foundation the right agency to operate a data service?

In 2020, the Data Foundation published a white paper establishing a framework for considering where to operate a data service in government that can meet broad needs government-wide and from across the research and evaluation communities. After exploring the range of potential options, the authors recommended NSF given its ability to deploy the strong privacy authorities under CIPSEA, existing expertise in social sciences and computer science, the presence of one of the existing federal statistical agencies with expertise in confidentiality protections and data linkage, and NSF's close connections and existing relationships with the research community.

The text of the National Secure Data Service Act provides NSF flexibility to determine how to implement a data service, including the possibility of issuing a contract through a Federally-Funded Research and Development Center, as recommended by the Data Foundation white paper. This recommendation was presented to the Federal Advisory Committee on Data for Evidence Building in April 2021 and to the NSF Social, Behavioral, and Economics Sciences Advisory Committee in May 2021, receiving favorable perspectives and comments from each.

How much will implementation of a National Secure Data Service cost?

Precise implementation costs will vary based on the level of services and activities applied at a data service. In 2021, the Data Coalition recommended that a National Secure Data Service receive an initial annual appropriation of \$50 million to support the development and launch of core linkage capabilities, privacy-protective features, and necessary disclosure avoidance protocols, among other features.

Has the Data Coalition taken a position on the National Secure Data Service Act?

In 2020, the Data Coalition called on Congress to authorize a data service to support pandemic response activities, then later reiterated support following publication of the Data Foundation white paper. The Data Coalition has also encouraged administrative actions to make progress on the establishment and launch of a data service, including NSF's recent activities on America's DataHub.

Does NSF support the legislative proposal?

The Administration has not formally weighed in on the proposal with a Statement of Administration Policy, however, NSF did provide technical feedback on a draft of the legislative text.