

**To:** Commission on Evidence-Based Policymaking (CEP)  
**From:** Joy Bonaguro, Chief Data Officer, City and County of San Francisco  
**Date:** January 23, 2017  
**Re:** Issues relevant to CEP's charge established in Public Law 114-140

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Evidence-based policies help government agencies provide more efficient and effective services for Americans. Individuals tend to support data use that improves their lives, whether it be as consumers or citizens. At the same time, individuals expect government use of data to protect their individual privacy and confidentiality. These two concepts need not stand in opposition to one another - constructive and responsible data use can both improve lives and uphold privacy.

Against this context, social service delivery is in the midst of a migration from program to people centric care. Our most vulnerable individuals touch multiple systems - education, human services, and housing - which have historically operated in silos. The transition to coordinated, person-centered care will better meet the needs of our clients by tailoring care to meet the needs of each individual, rather than using a one-size-fits-all approach.

A coordinated care approach is most effective when jurisdictions and programs can share data about the individuals they jointly serve to avoid duplication and offer the right mix of services. As a result, evidence based policy is not simply a function of retrospective studies, but continuous improvement, which the commission here today was charged to study. Continuous improvement is predicated on real time data linkage to facilitate care coordination. While the bulk of the Commission's charge is focused on data linkage for study, we also encourage the commission to recognize the importance of care coordination to ensure quality care in real time.

The remainder of my comments focus on the Commission's duties per Public Law 114-140.

## **Section I. How best to incorporate outcomes measurement, randomized controlled trials, and rigorous impact analysis**

More rigorous evaluation and a focus on outcomes is essential to continuously improve government policy and programs. The recommendations below help promote this locally.

1. **Establish and harmonize outcomes-based measures for major areas of program funding.** Too many agencies require a variety of reports often focused on activities (e.g. how many served) and not outcomes (e.g. how much better off). Those reports vary across funding streams and over time, often resulting in costly changes to administrative data systems. The result is time and effort spent on reporting compliance versus assessing what works. A word of caution for any outcomes framework: not achieving an outcome is not necessarily grounds for marking a program as a failure. Some programs may be preventing even worse outcomes. Instead, outcomes metrics should be used to continuously improve and modify programs; and
2. **Selectively fund RCTs and lottery based services.** Some portion of federal program dollars could be predicated on lotteries leading to randomized controlled trials. While not appropriate in all cases, a lottery requirement as a function of funding would help local programs overcome resistance to experimenting more with lotteries. Lotteries are not appropriate for services where a clear and consistent set of criteria is known for prioritizing program access and program resources are sufficient.

## Section II. Legal and administrative barriers.

Perhaps the most significant barrier to data linking is navigating a thicket of sector-specific, jurisdiction-specific and sometimes conflicting statutes and standards regarding data privacy and security. The recommendations below provide several avenues to remove these barriers and spur evidence-based policy through integrated data, while maintaining privacy.

**A. Statutory and regulatory changes could broaden opportunities for data sharing.** The following recommendations identify opportunities to modify privacy statutes and regulations.

1. **Streamline and harmonize complicated and often contradictory federal data and privacy regulations.** Changes should allow for more flexibility in data sharing across health, human services, housing, and education agencies, while continuing to ensure strong, consistent privacy protections. Regulations and standards can be streamlined and harmonized around key principles (e.g. role-based access, limited use) and consistent definitions (e.g. of personally identifiable information);
2. **Implement exemptions to existing data and privacy regulations to allow for data sharing between local government services and agencies and with designated partners for limited purposes.** Purposes covered by exemptions should include program evaluation, continuous improvement, policy-relevant research, cost-benefit analysis by qualified researchers and institutions, and care and service coordination; and
3. **Consider the creation of an omnibus federal information privacy law.** This avenue is supported by advocates across industry, academia and government as a means of promoting efficiency, accuracy and integrity of information as well as encouraging a clearer understanding of privacy requirements by individuals, industry and government.

**B. Administrative actions could ease the burden of legal interpretation.** Often, the most significant barrier to confidential data sharing is not the interpretation of any single statute, but navigating a series of statutes. Each jurisdiction navigates this thicket afresh, which concentrates risk on individuals and localities interpreting the law and serves as a disincentive to integrated data. More regulatory guidance per the following recommendations would help local governments consistently and responsibly interpret confidentiality laws.

1. **Provide cross-agency guidance for data sharing across multiple bodies of law (e.g. FERPA, HIPAA, HMIS etc).** While policy specific guidance is helpful, integrated guidance across policies is more useful for the local practitioner. For example, the Administration for Children & Families released a Toolkit<sup>1</sup> for sharing data across six programs;
2. **Provide model data use agreements (DUAs) that take into account the cross-agency guidance.** Model DUA terms, which build on the prior recommendation, could accelerate adoption among agencies. A 2013 GAO report<sup>2</sup> notes that model or example DUAs are especially needed in health and human services;
3. **Partner with states to provide guidance as to the interaction between state and federal privacy requirements.** State specific statutes can further complicate the legal path towards integrated data. Developing model frameworks in partnership with states can reduce the local burden of interpretation;

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<sup>1</sup> Available at

[https://www.acf.hhs.gov/sites/default/files/assets/acf\\_confidentiality\\_toolkit\\_final\\_08\\_12\\_2014.pdf](https://www.acf.hhs.gov/sites/default/files/assets/acf_confidentiality_toolkit_final_08_12_2014.pdf).

<sup>2</sup> “Human Services: Sustained and Coordinated Efforts Could Facilitate Data Sharing While Protecting Privacy” available at <http://www.gao.gov/assets/660/652058.pdf>.

4. **Convene major states and select localities to identify opportunities to harmonize requirements and guidance.** States and localities provide a “boots on the ground” perspective on existing and emerging data linking challenges; and
5. **Create and maintain a single website for cross-agency guidance.** Finding timely guidance requires hunting across multiple sites. A cross agency website could serve as the umbrella to shepherd the recommendations above.

### **Section III. Clearinghouse and data-sharing infrastructure.**

To promote evidence-based government, further investments in data and digital infrastructure, could include the following:

1. **Pilot policy “labs” or “hubs” that focus on using data integration to answer a specific problem or issue.** Pilots could focus on a key health care outcome or topic such as recidivism. Pilots would allow experimentation at a small level and achieve “quick wins” ahead of introducing any larger clearinghouse. Pilots could evolve in an agile manner through continued integration of more data and eventually interoperable hubs;
2. **A central service for matching personally identifiable data and then de-identifying for the purpose of research.** Matching and linking data across systems can be a challenge and burden for local entities due to the expertise required and may disincite research partnerships. A central service could lend consistent technical expertise to the task of data matching; and
3. **Ensure government data is broadly available as open data whenever possible.** The burden of data access is reduced when government data is proactively made available. A combination of open and closed data is needed for evidence-based policy.

### **Section IV. Limitations on data access and use**

Limitations on data access and use should be developed from a risk management perspective, with the limits commensurate to the privacy or security risk posed by the data. Rather than focusing on whether others can *have* data, a risk management approach allows agencies to designate *who* should have access and *for what purposes* based on a data classification scheme. Specific methods for managing risk in a data sharing context might include:

1. Establishing review committees to assess the risk/benefit of the proposed research;
2. Ensuring the data-sharing infrastructure supports role-based access, and developing model protocols and procedures to support role-based access; and
3. Developing model data use agreements and/or Terms of Use for data-sharing that restrict researchers and other individuals with access from using confidential data to re-identify individuals or for purposes not specified in the scope of work.

## Section V. Incentives to facilitate interagency sharing of information

Eliminating legal and administrative barriers and providing information resources and guidance, as discussed in Section II, are major steps toward achieving greater interagency sharing of information. Additional incentives to promote interagency sharing of information could include:

1. Allocation requirements for analytics and evaluation in federally funded programs;
2. Allocation requirements for data and infrastructure in federally funded programs to ensure the consistent collection and availability of quality data;
3. Grant and funding criteria that reward interagency proposals; and
4. Waivers that would allow states and localities to pursue a coordinated care approach and build the case for needed regulatory and statutory changes.

## Section VI. How data and research can inform policy-makers and programs

A gap often exists between research and practice. This gap exists in at least two forms: 1) a gap between what researchers find and its application to practice and 2) a gap between what practitioners need and what researchers find compelling to study given a historical focus on original research and a bias towards positive results.

To close the first gap:

1. **Researchers should provide practical information and concrete steps or recommendations to guide decision-making, not just journal articles.** This could include research with short-form extracts, sections on practical policy recommendations, data visualizations, geographic breakdowns, or breakdowns by subgroups relevant to programs. Frameworks for measuring impacts and evaluating programs should take into account the resources and ability of agencies, including the recognition that academic peer review and practical implementation may have different standards (that is don't let perfect be the enemy of good); and
2. **Establish centers of practice responsible for translating and consolidating research results.** While journals provide the service of publishing results, few entities combine the results into practitioner handbooks. It is the rare local agency that can stay on top of the research across disparate fields to understand what programs or actions have the strongest evidence base in their field.

To close the second gap of aligning incentives between researchers and practitioners, consider the following recommendations:

1. **Incent researchers to partner with programs and practitioners.** Funders could require or favor research and grant submissions that included a program or policy partner and an applied research question; and
2. **Seed research centers at local universities with joint academic and practitioner governance.** For example, the John W. Gardner Center at Stanford develops its research agenda in partnership with the San Francisco Unified School District and a pool of funds helps incent applied research in collaboration with the school district.