CODE

February 9, 2021

From: Joel Gurin (President) and Matt Rumsey (Research and Communications Manager), the Center for Open Data Enterprise (CODE)
To: The Advisory Committee on Data for Evidence Building

Proposing a Federal Office of Public Data Engagement

Comments for the Advisory Committee on Data for Evidence Building. RE: Document 2020-27489

Introduction

This document is being submitted by the Center for Open Data Enterprise (CODE) to provide comments for the Advisory Committee on Data for Evidence Building in reference to docket #2020-27489.[1] It specifically suggests ways "to promote transparency and facilitate public engagement with the evidence building process," and addresses question 10 in the Federal Register notice: "What basic public data services are essential for a data service to address existing capacity gaps and needs? What infrastructure or incentives can the Federal government create that locals and states cannot?"[2]

The Center for Open Data Enterprise (CODE) *proposes that the White House Office of Management and Budget (OMB) establish an Office of Public Data Engagement* with the following mission:

The Office of Public Data Engagement (OPDE) will ensure that the Federal government prioritizes the collection, management, and publication of its diverse data resources to directly meet public needs, as determined by ongoing engagement with the organizations, businesses, and state and local governments that use Federal datasets.

---

[1] https://www.opendataenterprise.org/
[2] https://www.federalregister.gov/documents/2020/12/15/2020-27489/request-for-comments-for-the-advisory-committee-on-data-for-evidence-building

This document describes the need for this office, the statutory basis for establishing it, and its proposed authority and responsibilities. The OPDE will promote transparency and facilitate public engagement with the evidence building process by providing a centralized office where members of the public, organizations outside of government, and state and local governments can engage with Federal partners around issues of data use. The OPDE will serve as essential organizational infrastructure to boost agency stakeholder engagement capacity. Through that work, it will help non-Federal stakeholders identify opportunities to use Federal data and improve Federal data sources.

Background

The Open Data movement, which emerged around 2010, has advocated continuously for governments at all levels to publish the data they collect and manage in accessible and usable forms.[3] Open data is being applied in myriad ways around the world, and the U.S. has been an early and consistent leader in committing to open data at a national level.[4] President Obama set the stage when he issued a Memorandum on Transparency and Open Government on his first day in office.[5] His administration followed up with the 2013 Open Data Policy, which set out guidelines for agencies to publish their data in a widely applicable manner.[6] The Trump administration developed the Federal Data Strategy, which includes open data as a centerpiece of its goal to "leverage data as a strategic asset."[7]

Perhaps most significantly, Congress passed the Foundations for Evidence-Based Policymaking Act (the "Evidence Act"), signed into law in 2019, which requires Federal agencies to develop and publish their plans for open data implementation. The Advisory Committee on Data for Evidence Building ("Advisory Committee") exists as a direct result of the Evidence Act.[8]

The concept of open data is simple: It has been defined as "data that can be freely used, re-used and redistributed by anyone."[9] But the implications are huge. Open data from national, city, and state and provincial governments is a powerful tool for government transparency and accountability, for scientific research, and for economic growth. This data is critical to both public and private efforts to improve healthcare, infrastructure, the environment, education, agriculture, and other essential sectors.

Through implementation of the Evidence Act and the Federal Data Strategy, strides have been made to embrace data use throughout the Federal government. However, more needs to be done to "promote transparency… facilitate public engagement with the evidence building process," and ensure that open government data is useful for and used by the public.

While the Federal Data Strategy and Evidence Act provide a strong basis for open data progress, these policies are missing a critical piece: A formal, ongoing, and effective process for ensuring that Federal data programs meet public needs. Since 2015 the Center for Open Data Enterprise (CODE) has worked

---

[3] https://apolitical.co/en/solution_article/the-first-decade-of-open-data-has-been-a-win-but-not-for-the-reasons-you-think

[4] https://opendataimpactmap.org/index

[5] https://obamawhitehouse.archives.gov/the-press-office/transparency-and-open-government

[6] https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2013/m-13-13.pdf

[7] https://strategy.data.gov/

[8] https://www.govinfo.gov/content/pkg/PLAW-115publ435/pdf/PLAW-115publ435.pdf

[9] https://opendatahandbook.org/guide/en/what-is-open-data/

with the White House and more than a dozen Federal agencies to bring Federal data providers together with their data users to improve their data programs.[10] We have consistently found that Federal agencies need robust, programmatic stakeholder engagement to ensure that their data programs serve the public good as effectively as possible.

To fill this gap, CODE is proposing that the White House Office of Management and Budget establish a new Office of Public Data Engagement within OMB with the authority to:

1. Identify gaps and challenges in Federal data resources that are not meeting public needs.
2. Identify needs for Federal data from state and local governments.
3. Support individual agencies in engagement to identify and meet public needs for their data.
4. Coordinate and support cross-agency efforts to address public data needs.
5. Organize and publicize use cases on the public application of Federal data.
6. Establish a permanent Advisory Council on Public Engagement to represent public needs for Federal data.
7. Coordinate with other Federal offices and committees whose work relates to the mission of the OPDE.

Statutory Justification for Creating an Office of Public Data Engagement

Both the Federal Data Strategy and the Evidence Act emphasize the importance of public engagement in implementing the Federal government's open data policies. There has already been strong public engagement around the implementation of both the Strategy and the Evidence Act. OMB has held a number of public information and input sessions on the implementation of the Federal Data Strategy, sometimes in collaboration with nonprofit organizations such as the Data Coalition.[11] The Department of Commerce also published a Request for Comment and hosted public forums to gather feedback on an initial draft of the FDS Principles, which drew close to 100 public comments.[12] The Advisory Committee on Data for Evidence Building itself, to whom this proposal is addressed, embodies a commitment to engage public input to implement the Evidence Act during the Committee's two-year charter.

These valuable programs for public engagement have focused on the overall implementation of the Federal Data Strategy and the Evidence Act. However, these efforts have not engaged the public to help shape the *content* of Federal data programs, since they have focused instead on public input into the *process* for policy implementation. A different kind of public engagement will be essential to ensure that Federal data is collected, managed, and published to directly meet public needs, and to provide the information that data users consider most valuable. We propose that a new Office of Public Data Engagement (OPDE) be established to lead such a government-wide effort.

The language of the Evidence Act provides justification for establishing the OPDE. The Evidence Act states that "In developing the plan required under subsection (a) [which requires agencies to develop evidence-building plans], the head of an agency shall consult with stakeholders, including the public,

---

[10] https://www.opendataenterprise.org/

[11] https://www.datacoalition.org/event/public-forum-action-items-for-implementing-the-federal-data-strategy/

[12] https://strategy.data.gov/background/

agencies, State and local governments, and representatives of non-governmental researchers."[13] The Act also directs agencies to assess "the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public," and to "develop and maintain a strategic information resources management plan that [will] facilitate collaboration with non-Government entities (including businesses), researchers, and the public for the purpose of understanding how data users value and use government data."[14]

Further, agencies are directed to "designat[e] a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements within a reasonable period of time."[15] To that end, agencies are directed to "engage the public in using public data assets of the agency and encourage collaboration by…providing the public with the opportunity to request specific data assets to be prioritized for disclosure and to provide suggestions for the development of agency criteria with respect to prioritizing data assets for disclosure..."[16]

While these directives in the Evidence Act are on point, most Federal agencies will face a major challenge in carrying them out. Federal agencies vary widely in their experience with public stakeholder engagement and their understanding of public data needs. The Evidence Act could have the unintended consequence of requiring the 24 Chief Financial Officers Act agencies, who are subject to the Evidence Act, to each figure out for themselves how to carry out the difficult task of public engagement, with considerable effort and no guarantee of success.

The OPDE will not be a substitute for the public engagement that individual agencies need to conduct, but will play a critical role in helping to organize, guide, and support those cross-governmental efforts. By establishing best practices, providing tools, and identifying high-priority areas of opportunity, the OPDE will make it much easier for Federal agencies to fulfill the requirements of the Evidence Act. At the same time, the practices established by the OPDE will demonstrate a government-wide commitment to meaningful public engagement to improve and apply the nation's essential data resources.

Unique Authority and Responsibilities for the Office of Public Data Engagement

We propose that the Office of Public Data Engagement (OPDE) be established within OMB with a mission that is unique in the Federal government:

The Office of Public Data Engagement (OPDE) will ensure that the Federal government prioritizes the collection, management, and publication of its diverse data resources to directly meet public needs, as determined by ongoing engagement with the organizations, businesses, and state and local governments that use Federal datasets.

To fulfill this mission, the OPDE will be authorized to do the following.

1. *Identify gaps and challenges in Federal data resources that are not meeting public needs.* These may include gaps in the data that Federal agencies are collecting; issues of data quality,

---

[13] https://www.govinfo.gov/content/pkg/PLAW-115publ435/pdf/PLAW-115publ435.pdf, page 3
[14] Ibid, 8
[15] Ibid, 8
[16] Ibid, 9

timeliness, interoperability, standardization, or other issues that reduce the value of the data; problems in data availability and accessibility; or other concerns. The OPDE will focus on data issues and needs that go beyond any single agency, as described below. The OPDE will be authorized to use a variety of methods to identify these gaps, such as:

    a. *Conducting surveys* of groups or organizations that use Federal data

    b. *Holding roundtables and workshops* to convene Federal data providers with their data users, similar to the convenings that CODE has held over the [past six years](#).[17]

    c. *Creating a public website and forum* to identify public needs for Federal data, gather feedback on challenges in using Federal datasets, and promote public-private collaboration to improve data resources.

    d. *Conducting public gatherings*, such as "data town halls," to engage directly with interested communities and individuals on federal data programs.

2. *Identify needs for Federal data from state and local governments.* In a recent study from the IBM Center for the Business of Government, one data expert was quoted as noting that "It is currently no one's job in the Federal government to understand the challenges that state and local governments face in harnessing data, analytics, and evaluation to improve the impact of funding they receive from hundreds of Federal grant programs." As the report goes on to explain, "a major source of insight for Federal agencies would be to listen to the data needs and challenges of state and local government…."[18] Some agencies have established processes and offices to coordinate their data programs with those of state and local governments, such as the U.S. Department of Transportation, which [reaches out](#) to state and local governments on an ongoing basis around data exchange, and the [Office of the National Coordinator](#) for Health Information Technology in the U.S. Department of Health and Human Services, which supports "the promotion of a nationwide health information exchange to improve healthcare."[19] The OPDE can provide guidance, tools, and strategies necessary to help all agencies work with their state and local stakeholders.

3. *Support individual agencies in engagement to identify and meet public needs for their data.* The Evidence Act directs the Office of Government Information Services (OGIS) to *"*develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices across the Federal Government." In a different but complementary way, the OPDE will develop and maintain a toolkit and best practices that agencies can use for public engagement around their data programs. The OPDE will work closely with Chief Data Officers through the Federal CDO Council to support their data sharing plans and agency-wide visions with broader public engagement that can help identify their high-value data assets.

4. *Coordinate and support cross-agency efforts to address public data needs.* Cross-agency collaboration will be needed to provide essential data, and support data-driven solutions, for major public problems. The Biden administration, for example, has established an [Equitable Data Working Group](#) as part of Executive Order 13985, to identify inadequacies in existing Federal data collection programs, policies, and infrastructure across agencies and support agencies as

---

[17] https://www.opendataenterprise.org/what-we-do#roundtables

[18] http://www.businessofgovernment.org/sites/default/files/Silo%20Busting.pdf Page 48

[19] https://www.healthit.gov/topic/about-onc

they expand and refine available data to measure equity.[20] As another example, CODE's work with HHS has identified a number of agencies that hold data on the social determinants of health, which is critical to addressing the COVID-19 pandemic, including the U.S. Census Bureau, the U.S. Environmental Protection Agency, and the U.S. Departments of Agriculture, Health and Human Services, Housing and Urban Development, Labor, and Transportation.[21] The OPDE can use convenings, working groups, and the distribution of best practices and playbooks or toolkits to facilitate cross-agency coordination on data needs in areas that are a high priority across the Federal government.

5. *Organize and publicize use cases on the public application of Federal data.* Federal agencies and their non-government partners need a repository of case studies to demonstrate the application of Federal data to meet public needs - to provide a source of ideas, demonstrate best practices, and help establish a culture of open data and data sharing. The OPDE can build on the use cases that data.gov has [begun to collect](), and create a more extensive, organized, and searchable resource.[22]

6. *Establish a permanent Advisory Council on Public Engagement to represent public needs for Federal data.* This Advisory Council would include a wide range of members from inside and outside of government with expertise in the public use of Federal data, similar to the Advisory Committee on Data for Evidence Building. Unlike the Advisory Committee, however, the Advisory Council on Public Engagement will focus on specific, topical public data needs, rather than on the process for implementation of the Evidence Act overall. It would also be established as a permanent council, with rotating membership, since the need for continuous improvement of Federal data programs will remain indefinitely. One possible model is the [UK Data Advisory Board](), which is the senior public sector board responsible for driving the better use of data in government and addressing any gaps and barriers preventing it. While the UK Board focuses primarily on data use within government, it serves as a useful model both in strategy and practice, with a focus on improving data quality, accessibility, and use to increase data capability and innovation, and improve public trust.[23].

7. *Coordinate with other Federal offices and committees whose work relates to the mission of the OPDE.* As the points above show, the OPDE will need to coordinate with other Federal offices and programs that have complementary missions, including OGIS, data.gov, the Chief Data Officers Council, and the Advisory Committee on Data for Evidence Building, which are all given related powers by the Evidence Act. The Office of Science and Technology Policy, which has been charged through a [Presidential Memorandum]() with ensuring the quality and integrity of scientific data for public purposes, will be another key partner.[24]

---

[20]

https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government

[21] For more on SDOH data sources that could be applicable to fighting the pandemic, see: https://healthdatasharing.org/wp-content/uploads/2020/12/COVID-SDOH-Summary-Report-Final.pdf, pages 26-30

[22] https://resources.data.gov/categories/case-studies-examples/

[23]

https://www.gov.uk/government/groups/data-advisory-board-and-data-leaders-network#the-data-advisory-board

[24]

https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/

Conclusion: Supporting the New Administration's Priorities

The Federal Data Strategy and the Evidence Act are not only important as government-wide policy: They are also critical to achieving the incoming administration's four top priorities.[25] The fight to *control COVID-19* will depend on better data to track the pandemic and data on the social determinants of health that are major factors in COVID-19 risk.[26] The *economic recovery* can be facilitated by better data to match job-seeking Americans to job opportunities, and will need to be tracked with accurate employment and economic statistics. *Racial equity* can only be achieved with better data to hold police departments accountable, as well as data to reveal discrimination in housing, education, hiring, and environmental policies. And more open data is essential to fight *climate change* on all levels, including programs to reduce carbon emissions, adapt to a new climate, and increase cities' resilience.

The Biden administration's prioritization of high-quality data and well-managed data programs has been reflected in a number of the President's Executive Orders (EOs). These EOs address all of the administration's priority areas and focus particular attention on data in areas such as racial equity (EO 13986, EO 13985), COVID-19 (EO 13987, EO 13995, EO 13994), economic recovery (14002), and climate change (EO 14008). Furthermore, the Biden administration has reinforced the importance of data to achieve its priorities and restore trust in government through its Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking.[27]

Within its first month, the Biden administration has demonstrated a strong commitment to opening and applying government data in the service of public good. The administration has an unprecedented opportunity to simultaneously bring U.S. open data policies to fruition and to use open data to achieve their top priorities. What's needed now is a commitment to robust, meaningful stakeholder engagement and a structure to carry out public engagement programs. To ensure success, the administration should create the Office of Public Data Engagement to bridge the gap between government data resources and the public that will put them to use.

---

[25] https://buildbackbetter.gov/priorities/

[26] https://www.whitehouse.gov/priorities/covid-19/

[27] https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/