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Testimony Supporting S.B. 1103: An Act Concerning Interagency Data Sharing

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Government Administration and Elections Committee

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Dear Senator Haskell, Representative Winkler, Senator Sampson, Representative France, and esteemed members of the Government Administration and Elections Committee,

I am submitting testimony today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential. Thank you for this opportunity to testify regarding Senate Bill 1103: An Act Concerning Interagency Data Sharing.

Senate Bill 1103 will provide the State's Chief Data Officer with essential, dedicated legal support to facilitate the sharing and use of executive branch agency data. This bill would require an attorney be designated by the Secretary of the Office of Policy and Management to assist the Chief Data Officer in executing her duties and, in addition, requires legal assistance from the Office of the Attorney General.

Connecticut has struggled to develop the tools required to use its administrative data to inform and drive its decision-making. Many observers have referred to Connecticut as a "data desert."¹ Unlike many if not most other states, Connecticut does not have the capacity to routinely review its administrative data to evaluate outcomes, create successful pathways, measure disparities and identify the barriers to achieving equitable opportunities for all Connecticut children and families. It also does not have the capacity to understand the efficiency of its tax system or why our economy has been slow to recover from the great recession. The result is that policy makers often do not have the information to inform strategic or long-term decisions.

S.B. 1103 amends Conn. Gen. Stat. § 4-67p which established the position of the state's Chief Data Officer. Among the Chief Data Officer's responsibilities is "facilitating the sharing and use of executive branch agency data (a) between executive branch agencies, and (b) with the public." Since some of the data held by executive branch agencies is protected by federal and/or state laws, strict policies and procedures in the de-identification, security, and use of this data is a prerequisite to its sharing. This bill ensures that protected data is shared under tight, legally compliant written agreements.

In 2015, the legislature, attempting to overcome obstacles to data driven decision making, enacted Conn. Gen. Stat. § 4-67n. It was a comprehensive program to establish an integrated data system within the executive branch. The statute requires the OPM Secretary to establish a program to share and link data maintained by the state and provides, in pertinent part:

¹ <https://ctmirror.org/2016/07/06/does-connecticut-need-a-think-tank/>

(b)The Secretary of the Office of Policy and Management shall develop a program to access, link, analyze and share data maintained by executive agencies and to respond to queries from any state agency, and from any private entity or person that would otherwise require access to data maintained by two or more executive agencies. The secretary shall give priority to queries that seek to measure outcomes for state-funded programs or that may facilitate the development of policies to promote the effective, efficient and best use of state resources.

(c)The secretary shall establish policies and procedures to:

(1)Review and respond to queries to ensure (A) **a response is permitted under state and federal law**; (B) **the privacy and confidentiality of protected data can be assured**; and (C) the query is based on sound research design principles; and

(2)**Protect and ensure the security, privacy, confidentiality and administrative value of data collected and maintained by executive agencies.**

(d)The secretary shall, in consultation with the Chief Information Officer, develop and implement a secure information technology solution to link data across executive agencies and to develop and implement a detailed data security and safeguarding plan for the data accessed or shared through such solution.

(e) The secretary shall request from, and **execute a memorandum of agreement with, each executive agency detailing data-sharing between the agency and the Office of Policy and Management. Each such agreement shall authorize the Office of Policy and Management to act on behalf of the executive agency that is a party to such agreement for purposes of data access, matching and sharing and shall include provisions to ensure the proper use, security and confidentiality of the data shared.** Any executive agency that is requested by the secretary to execute such an agreement shall comply with such request. **(emphasis added)**

Good-faith efforts to implement these essential programs have suffered from a lack of dedicated legal staff to lead the development of the policies and practices to protect the confidentiality of data and drafting of legally compliant agreements. A review of Connecticut's data sharing statute shows the many roles attorneys play in developing and monitoring compliant data sharing programs. A functioning integrated data system needs a legal infrastructure including a master Memorandum of Understanding (MOU) between data-holding agencies that establishes compliance with federal mandates, such as the Family Educational Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act, as well as state laws, and Data Use Agreements (DUA) to authorize and set the terms of individual research projects.

As a non-partisan, research and advocacy organization, Connecticut Voices for Children strongly urges passage of S.B. 1103. This bill will provide the essential legal expertise to facilitate the state's sharing of de-identified data in a manner that preserves and protects the privacy rights and confidentiality of individuals. Connecticut policy-makers have to emerge from the data desert and better harness their data, make the most of taxpayer dollars and improve their communities.² This bill is a necessary step.

Thank you again for this opportunity to submit testimony in support of S.B. 1103. Please feel free to contact me if you have questions or need additional information. I can be reached at jmills@ctvoices.org and by telephone at 203-498-4240 (x104).

² <https://www.governing.com/papers/Making-Good-Government-Great-The-Role-of-Integrated-Data-Systems-104943.html>