

From: Till von Wachter [REDACTED]
Sent: Friday, September 27, 2024 1:43 AM
To: CHHS CPHS <CPHS@chhs.ca.gov>
Cc: Kara Segal <karasegal@ucla.edu>
Subject: comments & concerns about proposed privacy regulations

Dear CHHS Committee for the Protection of Human Subjects,

I write to provide public comment on the latest draft of the proposed regulations under the Information Practices Act.

My name is Till von Wachter, and I am a Professor of Economics at the University of California Los Angeles (UCLA), Faculty Director of the California Policy Lab (CPL)'s UCLA site, and Director of the Federal Statistical Research Data Center at UCLA. Throughout my career, I have used administrative data routinely collected as part of the daily functioning of government agencies to generate research that has helped to inform public policies affecting millions of Americans. For example, we are currently evaluating how California's main social insurance programs, such as CalFresh and Unemployment Insurance, assist the aging workforce to lead longer and more productive lives.

I was concerned to learn that certain members of CPHS are pursuing regulations that could severely impede research utilizing government-held data. These data are foundational to modern social-science research and provide critical insights into the effects of public policies. The Common Rule has long recognized that research using pre-existing data does not involve direct interaction with human subjects and, as such, should be subject to less intensive scrutiny.

Some members of CPHS suggest that research based on administrative data should require researchers to obtain individual consent retroactively. This view conflicts with how the Common Rule handles pre-existing data and is inconsistent with federal IRB laws, as well as the policy priorities of CHHS, the Governor, and the state's recent Cradle-to-Career effort. Many of these datasets, including those used in CPL's research, were collected without explicit consent at the time of data collection (e.g., birth records). Legislative statutes already strike a careful balance between privacy concerns and the value of such data for research and hence to society, and the proposed CPHS regulations would undermine these carefully considered frameworks. The CPHS should not – and does not have the authority to – substitute their own private views on privacy for those of our elected representatives.

I oppose the new regulations and urge CPHS to reconsider their stance.

Sincerely,

Till von Wachter

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