

November 10, 2024

Dear CHHS Committee for the Protection of Human Subjects –

My name is Dr. Carolina Reid, and I am the Faculty Research Advisor at the Turner Center for Housing Innovation at UC Berkeley. Founded in 2015, the Turner Center has emerged as a leading research institute on housing policy in California. We have undertaken numerous research projects in collaboration with California state agencies that have had a direct impact on the state's ability to expand the supply of housing and address homelessness. Our research relies extensively on data collected by government agencies, including data that were originally collected for administrative purposes. Without these data, we would be unable to provide data driven, evidence-based research to help guide policymakers towards solving the state's housing crisis.

The [latest draft](#) of the proposed regulations under the Information Practices Act is deeply concerning. It represents a significant overreach from members of the CPHS and would significantly reduce the ability of researchers across the state to conduct studies using government-held data. Such data are at the core of modern social science research and are critical for building an evidence base for the impact of state policies on individual and household outcomes. These data are also critical for effectively targeting interventions, such as efforts to prevent homelessness.

The Common Rule has long recognized that research using pre-existing data sources is a legitimate enterprise and places human subjects at minimal risk, especially since modern approaches to data hashing and secure storage make the likelihood of identification and harm infinitesimally small. The proposed rules would require going back and checking consent at the time of data collection, which contradicts how the Common Rule deals with pre-existing data. Many of these datasets have no initial consent, which is why the Legislature has put in place statutes that protect privacy by restricting the availability and use of such data for legitimate research purposes, but that don't impose impossible burdens to using those data responsibly. The CPHS should not – and don't have the authority to – supersede this long-standing and effective balance.

The proposed regulations also impose unreasonable fees on CPHS applicants. Institutional Review Boards (IRBs) typically only impose fees on private industry, not on academic researchers. The proposed fees are too high and will have the effect of discouraging faculty from using state administrative datasets. The effects will also have a disparate impact on underrepresented and junior faculty, as well as the state's inland and Cal State institutions, since these are less likely to be able to attract large grants to cover the costs of fees. And by the

state's own analysis, the fees would largely go to the costs of collecting the fees themselves – there is no need to add an expensive layer of bureaucracy onto processes that are not broken.

I strongly oppose the current draft of the regulations because they would shut down valuable research using questionable authority under the IPA, and undermine efforts to conduct evidence-based research that can advance the state's policy priorities.

Sincerely,

A handwritten signature in blue ink that reads "Carolina Reid". The signature is written in a cursive, flowing style.

Carolina Reid
Faculty Research Advisor, Turner Center for Housing Innovation
I. Donald Turner Distinguished Professor in Affordable Housing and Urban Policy