

From: Dalie Jimenez <djimenez@law.uci.edu>  
Sent: Friday, February 28, 2025 7:09 AM  
To: CHHS CPHS <CPHS@chhs.ca.gov>  
Subject: Public comment opposing draft CPHS regulations

I write to express my deep concerns about the proposed regulations under the Information Practices Act (IPA) currently under consideration by this Committee. As a University of California law professor who conducts empirical research on laws and regulations in California and nationwide, I am alarmed by the potential consequences of these changes—not just for academic inquiry but for the public good.

The regulations, as drafted, would impose undue restrictions on research using state-held administrative data. This is not a matter of minor procedural inconvenience but a fundamental shift that would undermine research critical to informing public policy. State administrative data provides invaluable insights into pressing social issues, from public health disparities to the effectiveness of housing and labor policies. Researchers rely on such data to analyze systemic challenges and propose evidence-based solutions that benefit all Californians.

The new regulations appear to exceed the CPHS's statutory authority and conflate IPA review with Institutional Review Board (IRB) oversight, despite the clear distinctions between these processes. The Common Rule, the federal standard governing human subjects research, explicitly recognizes that research using pre-existing administrative data does not pose the same ethical concerns as studies involving direct human interaction. Yet, these proposed regulations would subject administrative data research to heightened scrutiny beyond even what IRBs require—an approach that is both legally questionable and counterproductive to fostering meaningful research.

One of the most troubling aspects of these regulations is the attempt to retroactively evaluate consent for the use of data collected years, if not decades, ago. Many administrative datasets, such as birth records or financial data, were never collected with the kind of individualized research consent that some CPHS members now propose to require. The California Legislature has already struck a careful balance in allowing limited, regulated access to these datasets for research, ensuring both privacy protections and the ability to conduct important studies. CPHS should not unilaterally override this balance by imposing new consent requirements that would render much of this data unusable.

Administrative data linkage is a crucial tool for understanding complex social issues, from disparities in healthcare access to the factors contributing to economic mobility. Research using linked datasets allows policymakers to see beyond individual datasets, drawing connections that provide a fuller picture of societal challenges. The California Policy Lab, for example, has worked extensively to facilitate secure and responsible data linkages that have improved policy responses in areas like homelessness, education, and criminal justice. The ability to responsibly link administrative data is not only essential for rigorous social science research but aligns with California's broader efforts to make data-driven decisions that enhance public well-being. The proposed CPHS regulations threaten to disrupt these critical research efforts, hindering the state's ability to develop informed policies that directly benefit Californians.

Moreover, the introduction of excessive fees for researchers seeking CPHS approval would create another significant barrier to conducting vital research. Unlike private industry, many academic researchers—especially those from underfunded institutions or early-career scholars—do not have the financial resources to absorb these costs. The impact of these fees would be disproportionately felt by those conducting public-interest research, ultimately limiting the scope of knowledge available to policymakers and the public. Notably, CPHS’s own analysis indicates that most of the revenue generated from these fees would be used to cover the administrative costs of collecting them, raising serious concerns about the efficiency and necessity of this proposal.

In addition to the substantive problems with these regulations, the process by which they have been developed raises concerns about transparency and accountability. CPHS has been warned against exceeding its legal authority under the IPA, yet it is now pursuing regulatory changes that would codify this overreach. If CPHS members seek to redefine the boundaries of research oversight, such changes should be subject to a broader legislative discussion rather than an internal rulemaking process.

I strongly urge CPHS to halt the development of these regulations. The research community stands ready to work with CPHS to develop solutions that uphold privacy and ethical standards without needlessly obstructing valuable research. I hope the Committee will reconsider this proposal and engage in a more inclusive dialogue about how to balance privacy, ethics, and the need for rigorous public policy research.

Sincerely,

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P.S. - I am sending this email at a time that works well for me; there is no expectation for you to respond outside of your own working hours.