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Sent: Friday, February 28, 2025 7:59 AM

To: CHHS CPHS <CPHS@chhs.ca.gov>

Subject: public comment for 3/7 CalHHS Committee for the Protection of Human Subjects

Dear CHHS Committee for the Protection of Human Subjects –

I write in opposition to your proposed regulations and fees for CPHS applicants.

I am a Professor of Economics and Public Policy at UC Berkeley who conducts research on poverty and the role of the social safety net including CalFresh, the CalEITC and the Young Child Tax Credit. Pre-existing administrative data and linked administrative data are essential to my research. I also advise many PhD students who also access this data for their research.

First, I was concerned to learn that certain members of CPHS are pursuing regulations that could impinge on research using government-held data. Such data are at the core of modern social-science research and the Common Rule has long recognized that research using such pre-existing data sources should be afforded less scrutiny because it does not involve live contact with human subjects.

Instead, the new rules would go back and check the 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 (eg, consent is not offered at birth), which is why the Legislature has balanced the equities and put in place statutes that restrict the availability and use of such data for research. The CPHS should not – and don't have the authority to – substitute their own private views on privacy for those of our elected representatives.

Second, I was concerned to learn that fees are being discussed. IRBs typically only impose fees on private industry, not on regular researchers. These fees are too high and will have the effect of discouraging under-resourced researchers from using valuable state administrative datasets. And by your own analysis, the fees would largely be eaten by the costs of collecting the fees themselves.

Please line up with other states who are not imposing these disasterous changes in access to valuable data.

Sincerely,

Hilary Hoynes

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