



AMERICAN STATISTICAL ASSOCIATION

Promoting the Practice and Profession of Statistics®

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April 30, 2025

The Honorable Lori Trahan
Member of Congress
Washington, DC 20515
April 30, 2025

Dear Representative Trahan,

Thank you for the opportunity to respond to your request for information regarding improvements to the Privacy Act of 1974. You indicated that you would like to hear from “civil society groups, privacy experts, current and recently terminated government technologists, and concerned Americans, including organizations like businesses and nonprofits.”

The American Statistical Association (ASA) is a professional society of statisticians and related professionals that includes many current and former federal statistical agency executives and staff, state and local officials, as well as public and private sector researchers who use government data to inform public and private sector decision making at all levels. The ASA membership also includes statisticians who develop and promote professional best practices, including the critical techniques and statistical safeguards that help ensure confidentiality and privacy. These include a suite of privacy enhancing techniques, such as traditional disclosure avoidance methods and emerging approaches such as differential privacy, and critically, decision-making criteria on when various techniques are best employed depending on the characteristics of the data, their intended uses, and other sometimes complex factors.

Founded in 1839, the ASA is the nation’s oldest professional society, with a longstanding history of providing support and advice to all levels of the U.S. government about statistical and data science practices, the thirteen federal statistical agencies and the broader federal statistical system, and the critical role of data for efficient and effective data governance. We have a strong and abiding interest in the quality and sustainability of U.S. federal statistics as well as the data and methods used to produce them. The success and value of these federal statistics is predicated on the voluntary participation of our nation’s individuals and businesses, and their trust that the information they provide to the government will be properly safeguarded. Earning and maintaining the public’s trust requires statistical agencies to operate within a

statutory environment of robust data protections. As long-standing champions of the societal value and importance of quality statistics, the ASA and its members consider privacy and confidentiality to be fundamental in its activities.

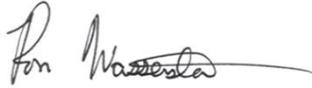
To address your thoughtful questions, we wanted to communicate a few resources and suggestions:

1. Privacy and confidentiality generally, and the Privacy Act specifically, are highly relevant and interplay significantly with federal statistical activities and the use of data to inform evidence-based decision-making across all levels of the government and the larger evidence and research enterprise in the private sector and academia. Federal statistical program data are often subjected to even more stringent protections than the Privacy Act, such as those found in the Confidential Information Protection and Statistical Efficiency Act (CIPSEA 2018, or Title III of the Foundations for Evidence-Based Policymaking Act of 2018 or Evidence Act) and agency specific statutes such as Title 13 for the Census Bureau. Federal statistical programs, however, require administrative and programmatic data from across government as essential inputs to the efficient production of timely, relevant, and affordable federal statistical products. The Privacy Act, and its companion, the Computer Matching Act, enable such *statistical* uses of *administrative* data through five different exceptions (see [OMB Memorandum 14-06, Guidance for Providing and Using Administrative Data for Statistical Purposes](#) discussion on the Privacy Act for more information). Statistical uses or purposes, as defined in the Evidence Act, are uses that do not affect the rights, privileges, or benefits of an individual data subject, and are a central concept in crafting disclosure requirements. Therefore, we recommend that you consider these important secondary uses of agency administrative data as you consider changes to these laws.
2. Decades of experience and ongoing innovations in data integration (or blending) and privacy enhancing techniques, coupled with the strengthening of the federal statistical data protections under CIPSEA, suggest that there are opportunities to strengthen statistical agencies' ability to use federal data in safe and appropriate ways beyond those currently permitted by the Privacy Act. There is a thorough discussion of these opportunities in the final report of the recent bipartisan [Commission on Evidence-Based Policymaking final report](#) and a report from the [National Academies of Sciences, Engineering, and Medicine](#). For the former, about half of the Commission's recommendations formed the basis for the Evidence Act, and the remainder, including those regarding the Privacy Act, remain pending. For the latter, the report outlines the policy and technical considerations and possible solutions when releasing integrated data.
3. The Privacy Act and other federal privacy, security and data laws (e.g., CIPSEA) are based on the foundational Fair Information Practice Principles (FIPPS). While there are opportunities to modernize and strengthen the Privacy Act, the FIPPS largely serve as timeless principles that can and should remain a strong foundation for any legislative changes. The Federal Privacy Council has developed some excellent [resources explaining the FIPPs](#) and their importance for federal data activities.

4. The ASA—especially its three committees on Privacy and Confidentiality, Ethics, and Scientific and Public Affairs—offers a wealth of expertise on privacy and confidentiality law, best practices, techniques, and programs. These experts are prepared to engage with you on this important topic.

Thank you again for the opportunity to inform your process of legislative formation.

Sincerely,

A handwritten signature in black ink that reads "Ron Wasserstein". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ron Wasserstein
ASA Executive Director
Ron@amstat.org