

May 7, 2024

Thomas Smith

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**Re:** Collection of State Administrative Records and Third-Party Data

Dear Mr. Smith:

We submit these comments on behalf of the Coalition on Human Needs, the Partnership for America's Children and First Focus on Children.

The Partnership's mission is to engage, empower, and invest in a network of state and local child advocates who advance transformative, systemic, and equitable policy change for the well-being of every child across the nation. The Partnership has 48 member organizations in 39 states that advocate to improve policies for children at the local, state, and federal level. Collectively they represent over 90% of the nation's children. Partnership members use Census data in their advocacy, and thirty Partnership members are also KIDS COUNT grantees in their state, serving as that state's data hub on children for policy makers, administrators, and nonprofits. The Partnership for America's Children served as the national hub on the undercount of young children in the 2020 Decennial Census. In this role the Partnership formed and continues to co-lead a national working group of child-serving organizations that is working to improve the count of young children in all Census Bureau demographic products.

The Coalition on Human Needs is an alliance of national organizations working together to promote public policies which address the needs of low-income and other vulnerable populations. The Coalition's members include civil rights, religious, labor, and professional organizations, service providers and those concerned with the wellbeing of children, women, the elderly, and people with disabilities. The Coalition on Human Needs monitors and tracks data on human needs in the United States, including data on poverty, on policies that reduce poverty, and on hardship. The Coalition uses Census data including the American Community Survey (ACS) in its work. Along with the Partnership for America's Children, the Coalition is one of four organizations that formed and continues to co-lead Count All Kids, a national group of child-serving organizations that is working to improve the count of young children in all Census Bureau demographic products.

First Focus on Children is a national children's advocacy group dedicated to making children and families a priority in federal budget and policy decisions with a commitment to ensuring that all kids in the United States have the equal opportunity to thrive. First Focus on Children is a co-lead of the Count All Kids Committee, regularly relies on Census data for its work, and shares concerns about the potential detrimental implications of the undercount of children in the 2020 Census and the impact it will have on federal spending for children's health, safety and well-being now and over the next decade. In particular,

First Focus knows that the net undercount of young children in 2020 was even larger than in 2010, and children ages 0 to 4 had the largest undercount – 5.46% -- of any other age group. [Census Bureau research showed that “No group of young children was immune from the risk of being missed in the census, although some groups were at higher risk than others.” \(U.S. Census Bureau 2019d\).](#) The team’s summary report (U.S. Census Bureau 2019d) noted that young children with the greatest risk of census omission included:

- Children who were not a biological or adopted child of the householder (i.e., grandchildren, other relatives, and children who were not related to the householder).
- Children who were Hispanic or racial minorities.
- Children living in complex households, defined as all households other than nuclear families, stem families (i.e., single-parent families), and single-person households.
- Children living in renter-occupied housing and multiunit structures.
- Very young children (those born in the few months prior to the census reference day).
- Children living in the largest and the smallest households.
- Children not enumerated by self-response.

First Focus on Children also convenes the Children’s Budget Coalition, which is made up of over 80 national children’s advocacy organizations with priorities across a diverse range of issues. The coalition’s work capitalizes on members’ broad policy expertise to advocate for children to receive their fair share of federal investments and collectively has expressed concern about the historical and growing number of children missed in the decennial census. First Focus greatly appreciates the Census Bureau’s efforts to prioritize children and fix the undercount of young children in 2020 and take steps for a more accurate count in 2030.

We write today to support the Census Bureau’s expanding its acquisition of state and local administrative records data, to recommend certain limitations on that data, and to identify certain concerns about the acquisition of private records.

We agree with the Bureau that administrative records are important for measuring the accuracy of data collection and that they can be used to improve measures of the population and economy. We believe that administrative records for benefits programs such as Medicaid, CHIP, child care, SNAP, TANF, and WIC may provide important data on low-income families who are not required to file tax forms and do not show up in other administrative data sets. We also believe there are some state administrative record sets for young children that are nearly universal and can significantly improve the count of young children in the census and in census surveys. Both of these kinds of administrative data could significantly improve the coverage of young children, including young children of color who are missed at even higher rates than white children.

The Census Bureau has undertaken research projects to integrate and link Census Bureau data from current surveys and censuses with State administrative records data and we support those projects. We are particularly hopeful that these records will be usable to add individuals into decennial census household records where the household has responded but left someone off, since young children are often missed in the census even when the household responds.

In collecting administrative data, we urge the Bureau to only collect the specific data points that will alleviate the undercount of young children and other historically undercounted populations and avoid double counting people. The data to collect would include such data points as name, address, sex, birth date, race and ethnicity, and household members, required to add a household or a household member to the census or a census survey. We urge the Bureau to be careful to avoid collecting extraneous data such as citizenship or immigration status or health and medical information. The Bureau is required by Title 13 to protect the privacy and confidentiality of records and the first step in protecting this privacy is to only collect the data needed to further the mission of the Census Bureau.

We encourage the Bureau to expand its collection of data from the following types of records, which it already collects from some states, which may prove helpful in improving the count of young children, by seeking them from all 50 states and where available, territories : nutrition and food assistance programs, including the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); child care subsidies (Child Care and Development Block Grant or CCDBG); the Low Income Home Energy Assistance Program (LIHEAP) and Temporary Assistance for Needy Families (TANF). We also encourage the Bureau to seek two years of the most recent data from benefits programs, because families often access these benefits only for brief periods, so two years of recent data will provide data on more people.

In addition, we encourage the Bureau to seek the following administrative records from states: more recent Medicaid and Children's Health Insurance Program records (without any medical data that would violate The Health Insurance Portability and Accountability Act (HIPAA)); birth records (without any medical data that would violate HIPAA); immunization records (without any medical data that would violate HIPAA); school records. We note in particular that [41 % of all births in the US are financed by Medicaid or CHIP](#), so that securing these records should greatly improve the Bureau's ability to count young children. Similarly, in [2020 99% of children had received at least one vaccine by age 2](#), so immunization records should greatly improve the count of young children. We note that the Bureau does not need, and should not seek, data on which vaccines a child has received.

In collecting and using these records, we urge the Bureau to note that states vary widely in what share of their eligible population actually access these programs. Thus, even where a

state has provided all these records, the Bureau may have data on a smaller share of the population than in other states where nearly all eligible families receive these benefits.

While we support the Bureau collecting this administrative data, research shows that self-response is the most accurate source of data, and much better than proxy data. We also note that administrative records often have inaccurate information or are out of date.

We note that there are some purposes for which this data is well suited for use, and some for which it is not.

We support the use of administrative data for:

- Planning for the 2030 census
- Managing 2030 census follow up
- Informing the annual population estimates
- Adding missing household members to a census household record

However, we oppose the use of the administrative records for estimating specific addresses that would then be used for legislative redistricting, using the address estimating procedure proposed in the [May 2024 National Advisory Committee](#) meeting Continuous Count session. We believe that this is insufficiently precise for this purpose. The averaging or estimating process is particularly unfit for lower income populations that move frequently.

We also note that there are significant challenges in using administrative records to determine race and ethnicity. Sometimes, that data was provided not by the individual but rather by a case worker who may have made assumptions. There is significant evidence that people's identification of race and ethnicity changes over time; in many cases that is because children identify themselves as a different race or ethnicity when they grow up than their parent or caregiver may have given for them. And for a significant period, the Census will be collecting data under the new OMB standards that were just released but the administrative data will often have been collected under the older OMB standards for data collection. Thus, self-response on the census or on census surveys will be a more accurate source of race and ethnicity data than administrative records.

Accordingly, we strongly urge the Bureau to continue to devote significant resources to collecting data from self-response and the Non-Response Follow Up (NRFU) process and to continue to offer multiple avenues of response for the census and surveys.

We also support the collection of administrative data from localities subject to appropriate criteria for selecting which localities should be approached. The Federal Register Notice anticipates only 10 localities will be providing such data. It does not indicate how these

localities were chosen. Recent [research](#) by Dr. William O'Hare found that nearly half of all young children missed in the 2020 census were missed from the 49 counties over 1,000,000 in population size. We recommend that the Bureau consider collecting data from all counties with more than 1,000,000 people and that it reveal its criteria for selecting which counties it will work with to secure administrative data. We recognize that it may depend on whether the state or the county runs the relevant benefits programs and holds the relevant administrative data.

While we support the use of administrative data from states and localities with the considerations set forth above, we have significant questions and concerns about the data from private entities.

First, we believe that the Bureau should provide the same confirmation about confidentiality under Title 13 for data it collects from private entities that it collects from state and local governments: State and local administrative records data are and will remain confidential under title 13, United States Code, section 9, whether in their original form or when comingled or linked. We believe that individual data from any source must be covered by Title 13 once it enters the Census Bureau.

Second, we ask the Bureau to be more specific about what kinds of data it anticipates receiving from private entities. The notice says “Third-party targeted entities for this acquisition will include cross sector industries such as manufacturing, information services, healthcare, supply chain, and retail.” It does not indicate whether it is seeking personal identity data for use in the census, income data for use in economic reporting, or something else. Do the entities it proposes to work with run benefits programs, and is the data they propose to collect participant data? Or are these entities being approached as employers for employee data? Absent such information, we cannot provide meaningful comments on whether this is an appropriate use of administrative data. We ask that the Bureau produce a new separate notice for comment that provides more details so that we can appropriately provide input on this proposal.

Our final comment is with respect to all data collected pursuant to this notice. The notice indicates that “State and local municipalities data [sic] and third-party providers have benefited through access to tabulated data and reports to better understand the demographic characteristics of program participants and to administer their programs.”

We ask the Bureau to confirm that it is referring to tabulated data and reports that it provides, rather than to some kind of data exchange which gives the states, localities and private entities access to individual data in violation of Title 13. We also ask the Bureau to explain whether it is referring to data tabulations and reports it produces in the ordinary course of business, or whether it is producing special data tabulations and reports as

partial payment for access to the administrative data. If the Bureau is producing special data tabulations and reports, we are concerned that under the Bureau's formal privacy protection procedures it may be spending part of its privacy budget on producing these materials and as a result is constrained to produce fewer materials for other more mission-related purposes.

If you have any questions about these comments please contact Deborah Weinstein at [dweinstein@chn.org](mailto:dweinstein@chn.org) or Marquita Little Numan at [mnuman@foramericaschildren.org](mailto:mnuman@foramericaschildren.org)

Sincerely,

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Marquita Little Numan, Executive Director, Partnership for America's Children

Bruce Lesley, President, First Focus on Children