

Public Comments on Oregon's Data Strategy

Prepared by Whitney Swander, MPP, Data and Research Director at Foundations for a Better Oregon

Foundations for a Better Oregon (FBO, formerly known as Chalkboard Project) believes that public data is a powerful tool to help us understand *who we are*, discern *how we are doing*, and *disrupt the pervasive disparities in our systems that exist* for too many children and families across our state. We also know that data can be harmful when it erases, labels, oversimplifies, and punishes or assigns blame to impacted communities. That is why a key priority for FBO is ensuring that research and data is community-centered, asset-based, and actionable.

The three themes of Oregon's Data Strategy—governance and effective management; ethical use; and data-informed cultures—offer a useful frame to attend to the technical, adaptive, and cultural changes required to meet the mission of this document. However, we believe that more emphasis on community engagement, shared decision-making, and learning with and from impacted communities in our state is needed to realize the transformative opportunity of implementing the state's first ever enterprise-level data strategy.

Overall, we are encouraged to see the following themes in Oregon's Data Strategy:

1. **Prominence of data justice and equity, open data, data literacy, and community engagement as core concepts woven throughout.** We look forward to opportunities for DAS and state agencies to partner with communities in the process of fully defining, developing the scope, and making meaning of these concepts as they move to active and tangible practices across the enterprise data environment.
2. **A long-range vision (10-15 years) for developing lasting, modern enterprise data infrastructure with a clear outline of actions during the next biennium.** We applaud the effort to develop a long-term effort, which we know is critical to ensuring lasting change, and look forward to advocating to ensure that adequate resources (technical, infrastructure, staffing, and training) are available to ensure the proposed principles and practices result in sustainable policy, operations, and culture changes across Oregon state government.
3. **Collaboration with the Governor's Racial Justice Council to inform the content and practices of the Strategy.** The Governor's appointment of the Racial Justice Council, and the proposed role of the RJC to inform the Strategy, is critically important to acknowledge the historical practices of excluding community—and particularly impacted communities—from meaningfully participating in decision-making about data and its application. We encourage DAS and the Chief Data Office to consider what relationships and participatory structures are necessary to ensure that data policy, practice, and mindset is regularly and authentically grounded in community experience and wisdom.

With Regard to “Oregon's Guiding Data Principles”

The overarching theme in our comments is a desire to see the Strategy include more explicit authentic community engagement and inclusive decision-making practices¹. The Strategy aptly frames the opportunity ahead: *“Oregon needs to establish effective data governance, apply an appropriate data justice and equity lens to our work, and work to build a culture of data literacy to transform data into*

¹ International Association for Public Participation. (2018). *IAP2 Spectrum of Public Participation*. https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

*meaningful insights.*²” This objective can only be realized if DAS, CDO, and state agency leadership shift course and include Oregon’s impacted communities as true partners. Nationwide, research on implementing change processes in all levels of government demonstrates community engagement must occur early and often.³ While community engagement is mentioned, we suggest the Strategy would be strengthened by more explicit language and detail. Without adopting broader and deeper engagement practices, we risk falling short on the opportunity to implement a modern enterprise data infrastructure that centers equity, data justice, and disrupts systematic oppression. We cannot rely on the same closed-door processes and expect more inclusive and equitable results.

With Regard to “Oregon’s Guiding Data Practices”

With 36 total practices, it would be helpful to include information about prioritization, order, and/or tiers for implementation during the 10-year timeframe. The set of *governance and effective management* practices entail big organizational, structural, and cultural shifts with regard to agency data, particularly the emphasis on data quality and standardization across various agencies, ensuring confidentiality when matching or linking records, open data standards, and interagency, intergovernmental, and external data sharing. By charting a pathway for implementation beyond the next biennium, we can advocate for the resources to sustain development.

Only one of the practices (# 19) directly acknowledges engaging impacted communities: *“to give voice to underrepresented communities regarding the State’s practices through opportunities for feedback and by supporting data literacy and data sharing.”*⁴ This language does not yet reach the level of partnership with impacted communities that is necessary for substantive changes in Oregon’s data culture, as we noted above. From our review of the list of practices, there are ample opportunities to expand the scope to include community perspectives and engagement, in particular in the Ethical Use and Data Literacy sections.⁵

With Regard to “Use Cases to Deliver Business Value”

While we acknowledge one purpose of the Strategy is to support agencies and the enterprise in solving business challenges, the framing in this section puts great emphasis on system challenges without acknowledging the human-centered goals that public entities must fulfill to serve whole communities. State data systems and the decisions they inform must center our most vital asset and respond to our core responsibility: the conditions that nurture thriving Oregonians.

With Regard to “Strategic Pillars to Enable Use Cases”

The description of community and shared engagement is especially strong in the Ethical Use section. We’d also like to draw attention to the following actions steps in the strategy and the importance of partnering with community to fully scope and build policy solutions:

² Oregon Data Strategy, 3

³ Barnes, M. & Schmitz, P. (Spring 2016) *Community Engagement Matters (Now More Than Ever)*. SSIR. https://ssir.org/articles/entry/community_engagement_matters_now_more_than_ever

⁴ Oregon Data Strategy, 9

⁵ The following practices in the Strategy are positioned to benefit for inclusive engagement: *practice #16 about data minimization, #20 about centering data justice and equity in data lifecycles, #21 about communicating the limitations of state data, #22 about recognizing and mitigating inherent bias in data and its application, #23 about building open data architecture toward culture of transparency, #24 about creating statewide community around authoritative data sources (please clarify who will be included), # 24 about exploring platforms for data sharing and integration.*

Open Data Standard: As the state adopts *open by default* values, we suggest considering how data is framed and structured, ease of access, and the potential for erasure of small sized (n) communities and groups. Often public data is deficit-framed and focuses on individual or groups' ability to navigate and thrive in inequitable systems. As more data is made public and as we invest in data visualization platforms, it's time that Oregon flip the accountability framework to focus on public systems as the unit of analysis, and their capacity to produce equitable outcomes for Oregon communities. To be truly open, data web applications should allow users to select fields, filter, and preview data within a browser view, rather than downloading large annual files. We also remain attuned to the tradeoffs of protecting individual privacy, which may result in many communities (particularly rural communities and communities of color) represented by asterisks on data sheets or maps. While necessary to protect privacy, this type of data doesn't lead to actionable or justice-focused insights.

Algorithms and Automated Decision-Making Tools: We are pleased to see the AISP Toolkit cited in the Strategy, and the emphasis on its positive practices for centering community engagement.⁶ Recent analysis and reporting on the use of algorithms in public systems has highlighted their propensity to reproduce, not reduce, systemic injustices without careful application.⁷ When machines learn to predict outcomes or recommend interventions using data generated from inequitable and unjust systems without unpacking the assumptions and practices steeped in white supremacist culture, we risk further entrenching unfair practices. To ensure algorithms work well and are trusted, the state must partner closely with impacted communities.

Data Demographic Collection: Aligning state data demographic definitions and rooting the practices in how Oregonians identify racially and ethnically is critically important. We are also interested to learn how the Toolkit will connect and align with proposed health equity efforts included in the Governor's Recommended Budget, namely collection infrastructure of the Race, Ethnicity, Language, and Disability data (REAL D) and Sexual Orientation/Gender Identity (SOGI) data⁸. There is incredible potential for shared definitions, collection, and use for statewide demographic data. However, it's critical that impacted communities are centered and meaningfully engaged in this work. If not, such processes can further entrench limited or shallow understanding of the identities and intersectionality of Oregon's communities.

⁶ Hawn Nelson, A., Jenkins, D., Zanti, S., Katz, M., Berkowitz, E., et al. (2020), University of Pennsylvania. https://www.aisp.upenn.edu/wp-content/uploads/2020/08/AISP-Toolkit_5.27.20.pdf, pg 26

⁷ Boulamwini, J., *How do Biased Algorithms Damage Marginalized Communities?* TED Radio Hour, interviewed by Manoush Zomorodi, National Public Radio, 30 October 2020, Transcript. <https://www.npr.org/transcripts/929204946>. Accessed 09 December 2020.

⁸ Governor's Recommended Budget: Oregon for All (1 Dec 2020), https://www.oregon.gov/das/financial/documents/2021-23_gb.pdf, 80