



Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

Date: March 15, 2024

To: The Honorable Tim Nangle, Senate Chair
The Honorable Holly Stover, House Chair
Joint Standing Committee on State and Local Government

From: Ariel Ricci, Executive Director, Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations

Re: PL 2022 Chapter 717: *An Act to Promote Equity in Policy Making by Enhancing the State's Ability to Collect, Analyze and Apply Data*

Background

PL 2022, Chapter 717, *An Act to Promote Equity in Policy Making by Enhancing the State's Ability to Collect, Analyze, and Apply Data*,¹ empowered the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations (the Permanent Commission) to collaborate with the Secretary of State (SoS) and the Chief Information Officer within the Department of Administrative and Financial Services (DAFS) on the creation of a data governance plan for the state of Maine. Through this legislation, the following positions were established:

1. A Public Service Coordinator I position within the Office of the State Economist (within DAFS) to conduct demographic analyses and provide the capacity to make data accessible to the public.
2. A Data Governance Architect within the Maine State Archives to advance data governance policies and programs including design and implementation of necessary database and system architecture and facilitate accessibility, equity, privacy and security.
3. A Public Service Coordinator I position within the Permanent Commission to coordinate the Permanent Commission's ongoing consultative role in establishing and enhancing the data governance program.

¹ PL 2022, Chapter 717: https://drive.google.com/file/d/15z3iJyLqfW_ofDke4rAtiRRaulMY9cE3/view

The Permanent Commission's Research Coordinator (Public Service Coordinator I) was hired in September 2023 and has worked closely with the Commission's Executive Director (hired late May 2023) on issues related to data governance.

Permanent Commission's role and accomplishments

While overall progress toward the goals laid out in PL 2022, Chapter 717 has been slow, the Permanent Commission has undertaken and continues to undertake significant work to ensure that Maine's emerging data governance plan centers racial equity and justice throughout every stage of the data collection, storage, and usage cycle, in accordance with our statutory mandate.

During the summer, the Permanent Commission spearheaded efforts for the participating agencies to outline their vision and short to long term goals related to data governance. The Permanent Commission then initiated a comparative analysis of these statements with the intent of finding areas of shared values and approaches, which led to ongoing conversations around the need to broadly engage other actors in this process (namely, all three branches of government and public stakeholders).

The Permanent Commission noted that accurate, consistent and complete data is critical for understanding the populations that the Maine state government serves and is necessary to understand the population's needs, assess the efficacy of programs and policies, and to identify overrepresentation and disproportionality.² We suggested the following as critical to advance the state's data governance efforts:

1. Create a common understanding of what individual level data exists for state programs (including what demographic data is collected and how) and any barriers (real or perceived) to sharing that data with other agencies (such as legal restrictions).
2. Create policies and guidance based on best practices about data collection and storage, with the goal of increasing consistency of demographic data.
3. Education and training across state agencies on the importance of accurate and consistent data.
4. Create a shared understanding about what data can be shared across departments and/or with the public and in what ways, including creating consistent data request protocols.
5. Consider creation of a central data warehouse for departments to send data to for de-identification, analysis, and reporting.

² Permanent Commission memo dated July 2023:
https://drive.google.com/file/d/154H8bQ6RGfXVu_GHe7NzS7n9QywGtAsB/view

6. Develop mechanisms to track individual-level data (with appropriate privacy protections) across multiple state departments to create more complex linked data sets.

Stemming from these conversations on shared values and goals, the working group advanced a plan for a series of conversations with executive branch agencies to discuss data governance, the availability of data across state agencies, and the importance of centering racial equity in data collection, storage, and sharing. This event series is intended to be launched in 2024, with the goal of increasing collaboration across agencies and gaining deeper insight into what Maine state agencies collect. As part of this effort, the Permanent Commission's Research Coordinator developed an online survey that will help to understand who holds data, how that data is managed internally, and what standards are used across state agencies for the collection of demographic information.

In addition to engaging in regular meetings with DAFS and SoS, the Permanent Commission has taken on additional independent efforts to advance the state's data governance efforts:

1. We, with the support of a contractor, explored the status of data governance efforts in five other jurisdictions - Oregon, Rhode Island, Connecticut, Indiana, and British Columbia³ - to learn about the process and development of data governance models. General findings are available in Appendix A. Important take-aways include:
 - a. a variety of different data governance models exist across states, but that almost all have evolved in the last decade and are still taking shape;
 - b. that this work is iterative, slow moving, and evolves over time, even in states with strict legislative mandates for change; and
 - c. that many models examined here began with a focus on data sharing, but over time came to engage deeply with the racial justice implications of data, even if that was not their original intent.
2. We have started preliminary discussions with community based organizations representing historically marginalized racial, Indigenous, and tribal populations to understand concerns and distrust between communities and Maine state government related to data collection and use.
3. We have collaborated with other state agencies that are advancing their own internal agency data governance plans and wish to intentionally integrate racial equity into the data lifecycle. This work is in early stages

³ Indiana had little information publicly available and opted not to be interviewed for this project, and as such, have been excluded from further data analysis.

and we hope will continue to evolve as agencies seek to create internal visions for data governance that integrates equity.

4. We have begun to draft a report that aims to lay a foundation of understanding to help guide Maine's efforts toward a model that centers data *justice* at every stage. It will explore the evolving relationship between race, data, and the state, and opportunities to advance data justice in the public sector. We will offer possible pathways toward ensuring that Maine's emerging data governance approach is effective, safe, and empowering to our state's diverse residents. While we do not see this document alone as a roadmap toward an actionable plan for data governance in Maine, we do hope that it offers critical insight to be considered along the way.

While much of this work is ongoing, over the next six months, we intend to advance data governance efforts by publishing the report mentioned at (4) above and using this as the basis for:

- our ongoing input into the collaborative work with DAFS and SoS pursuant to PL 2022, Chapter 717
- discussions with racial, Indigenous, and tribal community stakeholders about methods to integrate community feedback, including the possibility of a community-led advisory group that can offer public input on emerging data governance models (as is used in Connecticut and British Columbia), and
- collaborations with state agencies that are seeking advice and input on integrating racial equity in their internal approaches to data governance.

What we have learned so far

As we have gained an understanding of the data governance status in Maine (statewide and within individual agencies), and as we have learned about data governance models in other jurisdictions, we wish to highlight the following:

1. Although a number of Maine state agencies and teams are making progress in improving their approach to data governance and management, data initiatives are siloed by agency and, at times, at the programmatic level within agencies. There is currently no statewide data governance plan or strategy, nor a clear timeline to develop one.
2. There are opportunities to learn from the Maine Health Data Organization (MHDO), which has established processes to securely receive, validate, de-identify, store, and release highly sensitive health data. It has a de-identified personal index so that analysis can be done over time and across data sets from different sources. MHDO has conducted a detailed

examination of the race and ethnicity data it holds, conducted a literature review to understand challenges and best practices in race and ethnicity data collection, examined consistency of individual-level race and ethnicity data across data sets, and attempted to convene a community stakeholder group.⁴

3. Some states are significantly further along than Maine in their ability to systematically collect and share data across agencies, and have made steady progress in a sustainable fashion. Although they have taken an iterative approach to data governance, those states that did not intentionally integrate racial equity considerations and/or community feedback from the start found that they had to backtrack later to ensure it was included in a thoughtful and meaningful way.
4. Progress on data governance is possible in Maine, and in some cases, already happening. Efforts to advance this work, however, will require an inventory of what data exists, how that data is collected, and intentional, directed, and structured efforts that aim to facilitate better data sharing.

⁴ Maine Health Data Organization. (February, 2022). <https://drive.google.com/file/d/li7w646BrLXDtSLVsm9JDTuGR7kV2RJ7U/view>

Appendix A - Context about other data governance programs⁵

Common themes

- Several states have a statewide data management plan or strategy that is reviewed and updated every two years to note progress and fresh goals.
- Several states require agencies and departments to have a named Data Officer or Data Steward that serves as the main point of contact and communication, including for the coordination and maintenance of agency data inventories.
- A resource regularly noted was the Actionable Intelligence for Social Policy (AISP) toolkit to inform incorporation of equity into data management and use systems.

Connecticut

Connecticut has a statewide data plan that is updated every two years and submitted to a board appointed by the legislature for review.^{6,7} The plan describes the state's goals for data governance, while leaving the implementation to individual agencies.

Each state agency has a Data Officer who acts as the point person in creating and maintaining an inventory of data within the agency and determining which data will be made publicly available through the state's Open Data Portal. This portal, which is a repository of more than 700 datasets available to the public,⁸ also includes a longitudinal system that allows for interagency data sharing overseen by three levels of boards that include leadership from involved agencies and individuals associated with data research and policy development. One of the goals in the 2021-2023 plan was to: *"Ensure that the data lifecycle promotes equity, particularly racial equity."* To encourage this and facilitate the overall effectiveness of the state's data governance plan, Connecticut has developed a Community of Practice made up of state agency staff and established an advisory board to integrate community voices in the data collection and use process, along with a checklist to be used by agencies to consider harms that may arise from data sharing.

⁵ <https://drive.google.com/file/d/1ANCzpmJqVfgW2K8UmP54PNlfd28-ICkW/view>

⁶ State of Connecticut, Office of Policy and Management. (December 2022). "State Data Plan 2023-24". <https://portal.ct.gov/datapolicy/-/media/DataPolicy/Connecticut-State-Data-Plan-2023---2024-FINAL.pdf>

⁷ https://portal.ct.gov/datapolicy/State-Data-Plan?language=en_US

⁸ <https://internal-ct.data.socrata.com/stories/s/t2k6-59kk>

Oregon

Oregon also publishes a statewide data strategy every two years.⁹ Each agency must have a Data Steward who is tasked with creating a short agency-specific data governance plan and assessing data governance maturity every two years, which is then sent to the state's Chief Data Officer.

The statewide strategy centers equity in their strategy by including a guiding principle related to *“ethical use: Investing in data justice and representation, visibility, and ethics to serve all Oregonians.”* Relevant practices include:

- *“Establish feedback loops between communities and the State to better listen to and incorporate the voices of underrepresented communities regarding the State’s data practices.”*
- *“Acknowledge and clearly communicate the biases and work to clearly document and establish plans to mitigate bias within the data we maintain and in how we use data to make decisions.”*

More recently, Oregon has created a permanent data equity officer position, housed within the state's Office of Equity & Civil Rights. That position, which is currently hiring, would help the state to establish best practices for data collection and use and collaborate with individuals across agencies to establish standards for the collection of data related to race and gender.

Rhode Island

The Rhode Island Department of Health and Human Services has developed a “Data Ecosystem” that brings together a number of state data sources.¹⁰ The Ecosystem was originally established as an internal state resource and evolved into a public-facing resource where data can be requested to allow for examination of trends related to economic opportunity, healthcare access and outcomes, and childhood. The diagram to the right highlights how Rhode Island intentionally centers diversity, equity,



⁹ State of Oregon, Enterprise Information Services. “Oregon’s Data Strategy: Unlocking Oregon’s Potential 2021-2023.” <https://www.oregon.gov/eis/data-governance-and-transparency/Documents/68230-das-eis-datastrategy-2021-v2.pdf>

¹⁰ <https://eohhs.ri.gov/initiatives/data-ecosystem>

inclusion, and justice within the Ecosystem.

Rhode Island's data management work began in 2013 and the Data Ecosystem was first piloted in 2017, following a noted increase in child maltreatment across the state requiring cross-agency data sharing and integration to appropriately address child abuse. An early project included creating a centralized demographics table to standardize the collection of race and ethnicity data across four agencies in order to understand what kind of data is collected from priority populations that could be added to dashboards and shared. The Ecosystem is governed by an Executive Board made up of agency representatives and, like other states, agency Data Stewards within each agency to maintain data and approve or deny data requests.

British Columbia

British Columbia's data governance efforts were relatively unique compared with other jurisdictions we reviewed, as they had their origins specifically in anti-racism and harm reduction laws associated with data collection efforts. Current efforts are guided by the intersection of two laws, one which established a need for data collection on racial and tribal community members to improve racial equity, and a second, the Anti-Racism Data Act, which was enacted in 2022 to reduce harm associated with data collection.¹¹ Community consultation through a "co-governance" model is central to this approach. The Act focuses on four key areas:

1. Continued collaboration with Indigenous Peoples in a way that recognizes their unique identity and data sovereignty.
2. Working with racialized communities by creating an anti-racism data committee to collaborate with government on how data is collected and used.
3. Increasing transparency and accountability while preventing and reducing harm to Indigenous Peoples and racialized communities.
4. Requiring government to release data on an annual basis and to periodically review the Act.

British Columbia takes the following actions to protect communities from data related harms:

- Requires data users to take educational trainings on inherent data bias and data equity
- Created a diverse community advisory board, and
- Developed a system of checks and balances to ensure researchers have a good relationship with the community before starting a research project.

¹¹ <https://antiracism.gov.bc.ca/data-act/>

Appendix B - Reference documents

- [PL 2022, Chapter 717](#)
- [Report dated February 15, 2023](#)
- [Permanent Commission memo dated July 20, 2023](#)
- [Public Consulting Group Interagency Data Assessment dated September 2022](#)
- [Public Health Partners report dated December 2023](#)
- [Report from Maine Health Data Organization dated February 23, 2022](#)