



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Census Bureau
Office of the Director
Washington, DC 20233-0001

January 27, 2021

Ms. Wendy Underhill
Director, Elections and Redistricting Program
National Conference of State Legislatures
444 North Capitol Street NW, Suite 515
Washington, DC 20001

Dear Ms. Underhill:

Thank you for your emailed letter. As you pointed out in your message, the U.S. Census Bureau has a dual mandate to produce accurate and usable statistics about the nation, while also protecting the confidentiality of the data that our respondents entrust to us. As we continue our work toward the publication and release of the data products for the 2020 Census, I want to reassure you that we take both of these responsibilities seriously. We are committed to producing data that will effectively support the priority use cases for census data, including the redistricting use case and administration of the Voting Rights Act, while also meeting our responsibility to protect the confidentiality of our respondents data under Title 13, Section 9 of the United States Code. While you are correct that this can be a difficult balance to achieve, the Census Bureau's transition to differential privacy for the 2020 Census provides us with more sophisticated tools and greater precision to effectively achieve these competing objectives than we have had at our disposal for prior censuses.

As you noted in your message, we acknowledge that there has been some confusion on the part of our data users regarding the privacy-loss budget (PLB) used for the demonstration data that we have been releasing over the past year. Our intention in releasing these demonstration data over the past 16 months was to allow our data users to begin evaluating where the Disclosure Avoidance System's (DAS) TopDown Algorithm might be introducing biases or causing systemic distortion in the resulting data. The feedback we have received from the National Conference of State Legislatures (NCSL) and other data users has been invaluable in helping us to identify and mitigate these issues. With these numerous system improvements in place, the final accuracy (and privacy protections) of the 2020 Census will be determined directly by the PLB for the 2020 Census. Decisions about the PLB are made by the Census Bureau's Data Stewardship Executive Policy committee (DSEP), and no decisions regarding the final 2020 Census PLB have yet been made.

When the Census Bureau released the first of the 2010 Demonstration Data Products in October 2019, the DSEP intentionally selected a conservative value for the PLB. Subsequent demonstration data, including the 2020-05-27, 2020-09-17, and 2020-11-16 Privacy-Protected Microdata Files (PPMF) were held to this same level of PLB to enable observation and analysis

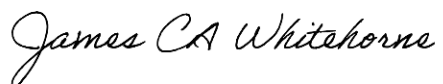
of algorithmic improvements to address deficiencies identified in the October 2019 demonstration data. The 2020 Census data products will not be held to this fixed PLB.

The Census Bureau is currently performing an extensive series of experimental DAS runs using the 2010 data with the explicit goal of determining the optimal level and allocation of PLB necessary to support the redistricting and Voting Rights Act use cases. To evaluate the results of these experiments, we have developed a series of empirical measures informed by use cases supplied to us by the U.S. Department of Justice and feedback from our data users, such as the NCSL. These results will inform subsequent DSEP decision-making on the PLB necessary for the P.L. 94-171 redistricting data files to support these important use cases.

Once we have concluded these experiments, the Census Bureau will be releasing a new set of PPMF and Detailed Summary Metrics with a different PLB allocation to enable our data users to evaluate results that more closely approximate the level of PLB that the DSEP will be considering for the 2020 Census. This new set of PPMFs will be released in advance of the final DSEP decision-making, so that our data users will be able to analyze these new demonstration data and provide feedback to inform those decisions. Then, once the DSEP has made the final 2020 Census PLB decisions, the Census Bureau will release a final set of PPMFs using the 2010 data with the “production ready” PLB and system parameters that will be used for the 2020 Census P.L. 94-171 redistricting data product. This will enable the data user community to assess the anticipated fitness-for-use of the 2020 Census data. Dates for these activities are still somewhat uncertain, given the continued efforts on data processing and delivery of accurate state population counts for apportionment. The Census Bureau will publicize schedule updates as they become available.

The Census Bureau greatly appreciates the ongoing engagement and feedback of NCSL on behalf of the larger redistricting data user community. As we continue our efforts to ensure the continued quality of census data for our data users, we look forward to continuing our engagement with your organization on their behalf. We thank you for your interest and support of the 2020 Census. If you have additional questions, please contact me or contact the Office of Congressional and Intergovernmental Affairs at 301-763-6100 or at cao@census.gov.

Sincerely,



James Whitehorne
Chief – Census Redistricting & Voting Rights Data Office