



March 2, 2020

## **ACTION ALERT – DIFFERENTIAL PRIVACY AND THE CENSUS**

**NCSL urges you to determine how the U.S. Census Bureau’s use of differential privacy will affect your state’s census data.**

**Background:** The most important message states can offer on the census is that everyone should participate in the count.

The U.S. Census Bureau has had a long-standing statutory requirement to ensure that data from individuals and households remains confidential. For the 2020 census, it plans to use a new statistical approach for maintaining that confidentiality. This new approach is called “differential privacy.”

For the 2000 and 2010 censuses, the bureau used a statistical technique called “data swapping” to avoid disclosing confidential data. Data swapping has proved insufficient to counter 21<sup>st</sup> century threats that could re-identify census respondents, so the bureau has adopted differential privacy. This new approach is described [on this census webpage](#). Details are not yet finalized, and the bureau is open to input.

Using differential privacy means that reported 2020 data will differ more from the raw data than in previous decades. The bureau has stated that only the [total population](#) in each state will be “as enumerated.” **Reported data from all other levels of geography—including congressional districts, legislative districts, counties, townships, census tracts, block groups and census blocks—may differ from the raw data to such an extent that it reduces usability.**

In addition, race and ethnicity data are likely to vary more from the “as enumerated” data than in past decades.

The bureau is aware that the currently proposed differential privacy plan will reduce usability and therefore is exploring solutions. Feedback will help the bureau prioritize privacy and accuracy.

**NCSL will host a webinar on [Differential Privacy and the 2020 Census](#) on Friday, March 5, 2 p.m. ET.**

### **Effects of Differential Privacy as Currently Proposed:**

- Rural areas will see a greater variance from the raw data than urban areas. Rural areas are likely to show increases in population and urban areas may show decreases in population. The greater the difference between small and large counties or other units, the greater the variance will be.
- Household data is separated from population data, leading to some logical inconsistencies, such as households that show a population of less than one, households shown to have children but no adults and population assigned to known unpopulated areas.
- Population counts for smaller groups could be either increased or eliminated altogether, while larger groups are often diminished. Such effects could mask the majority status of minority groups, a key metric for redistricting.
- The effect on states will vary, depending on their overall demographics. By using this new method, longitudinal studies based on census data may be compromised.

### **Take Action – Ask Your State Data Center to Run A Data Comparison. Here’s Why:**

- Accurate population counts are critical. \$1.5 billion in federal dollars are allocated to states based on census data every year. Health care, transportation, education and housing funding rely on census data. Inaccurate census data will result in imprecise allocations of federal funds, resulting in a loss of public confidence in the census.
- Congressional, legislative and local redistricting processes are at risk of being inaccurate and raise state liability concerns if census numbers are challenged based on accuracy.
- States must establish population and equality in redistricting as required by federal law, and the use of differential privacy may give rise to litigation over the one- person, one-vote principle. Census data informs many state policy choices concerning the health, safety and welfare of our communities. State legislators and American citizens must maintain confidence in census data to ensure sound policy recommendations at the state level.

**Report your findings on differential privacy to NCSL. We are considering revising our current Decennial Census Policy Resolution to include a clearer mandate to discuss this issue directly with the Census Bureau on behalf of states.** NCSL acknowledges a long and close working relationship with the Census Bureau and would like to provide it with the best possible advice on this topic. For more information on differential privacy, see [NCSL’s webpage](#).

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