



California Complete Count Committee

Trust and Confidentiality Working Group

August 27, 2018 1:00 - 3:00pm



Members Present:

Angie Wei (Chair)

California Labor Federation

Basim Elkarra

Council on American-Islamic Relations

Tom Saenz

Mexican American Legal Defense and Educational Fund

Gerald McIntyre

Justice in Aging

Staff Present:

California Complete Count Committee

Dan Torres, Chair

Patricia Vazquez-Topete

California State University, Sacramento

Ariel Ambruster

Dave Ceppos

Meagan Wylie

Handouts and Presentations:

- July 30, 2018 Draft Working Group Meeting Minutes
- Complete Count Committee Process Plan for Report to the Governor

1. Opening Procedures

Chair Angie Wei called the meeting to order. She welcomed members and referred to Patricia Vazquez-Topete, California Complete Count Committee (CCCC), for a roll call. A quorum was established with all four members present. Ms. Vasquez-Topete explained that the handout referenced in the agenda, *Working Group Information-Revised*, was still undergoing revision, and will be available for review at a future meeting.

Following review of the meeting objectives, agenda, and meeting procedures, Chair Wei drew members' attention to the draft July 30th Working Group meeting minutes. No revisions were proposed, and there was no public comment on this topic. Tom Saenz moved to approve the minutes as written. The motion was seconded by Basim Elkarra. The motion carried unanimously.



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2. Committee Initial Report to Governor – Context and Schedule

Meagan Wylie, facilitator from California State University, Sacramento, reviewed the purpose, process and timeline for drafting the Complete Count Committee's Initial Report to the Governor's Office (Report), due October 1, 2018. The purpose of the Report is to recommend initial outreach strategies to encourage full participation in Census by California residents, and avoid an undercount in Census 2020. The Report is being drafted by staff at California State University Sacramento, who are consultants to the California Complete Count Committee (CCCC). She reviewed the outline of the report, and emphasized that, as this is the *initial* report to the Governor's Office, the issues, concerns and recommendations captured within the Report will be high-level and do not need to be exceedingly specific.

There will be an iterative draft and review process conducted between now and October 1st. Key dates are listed in the handout. The Committee will have final review and vote on the Report to submit to the Governor's Office at the meeting of the entire CCCC on October 1st.

The Governor's Executive Order calls for interim reports every January and June thereafter and a final report in June 2020.

Chair Wei reminded Committee members that the October 1st in-person CCCC meeting will be a full day meeting, approximately 9:00 am – 5:00 pm, and requested members make travel arrangements accordingly.

3. Committee Initial Report to Governor – Working Group Purpose

Chair Wei drew members' attention to the previously agreed-to *Working Group Goals*, and asked members to consider generation of an overarching purpose statement with these goals in mind. She then proposed the following draft text as a platform for revision:

Draft Purpose Statement: To develop recommendations to build trust and guarantee confidentiality for all Californians to participate in the Census.

Dan Torres, CCCC, reminded the members that the Executive Order instructs the Committee to develop outreach strategies to ensure public participation in Census, and encouraged members to include reference to this guidance in the purpose statement. Chair Wei concurred, and offered caution that the language in the purpose statement should not limit recommendations, strategies, or tools that the CCCC could produce as part of their work. The draft purpose statement was revised with consideration to these comments.

A motion to approve the Working Group purpose written as follows was made by Tom Saenz, and seconded by Gerald McIntyre. There was no public comment. All members were in favor, and the motion carried.



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Final Purpose Statement: To develop recommendations that build a high level of trust in confidentiality of census information to encourage all Californians to participate fully in the census.

Chair Wei next inquired if members wished to provide feedback on, or suggest revisions to, the three original goals of the Working Group. Discussion ensued.

Original Goal #1: To help provide ideas as to how the state can guarantee protection for peoples' confidential information from either government misuse or technological breach.

With respect to Goal #1, Dan Torres asked the members to consider reframing the intention of the goal to keep it within the scope and charge of the Executive Order (EO). He noted an intention of the EO is to promote outreach and inspire confidence in the process.

Members also discussed reference to the term "misuse" and how there are other types of potential misuse in addition to governmental misuse. For example, the term "government" may not include government workers acting illegally outside the scope of their employment to illegally use data. Community-based organizations could also misuse data if their members are not properly trained in data protection methods.

A member of the public suggested having the federal government explicitly identified in the goal, as it maintains and has access to the Census data. Chair Wei responded by expressing her concerns about all levels of potential government misuse. Tom Saenz offered that the bulk of concerns raised are regarding data misuse at the federal level. There is a level of education that should occur about what entity has access to Census data.

The following revisions were proposed: To provide ideas as to how the state can supplement protection for the confidentiality of peoples' census information from government misuse (federal or other), other forms of misuse, and/or technological breach. OR "~~...federal government misuse, technological breach, or misuse by any other party.~~"

The working group next reviewed Goal #2.

Original Goal #2: To inform the state and the CCC of messaging that will help us to build higher trust with the hard to count (HTC) communities.

Tom Saenz proposed striking the word "inform," and replacing it with "suggest messaging to." Chair Wei proposed adding "and inspire participation" to the end of the statement. There was no further discussion or public comment on this goal.

The following revisions were proposed: To ~~inform~~ suggest messaging ~~the state and the CCC~~ of that will help us to build higher trust with all hard to count (HTC) communities, and inspire participation.



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The working group discussed Goal #3.

Original Goal #3: To identify concerns on the ground and in communities, and to develop specific strategies or tactics that we can use to address these specific concerns.

Tom Saenz provided the framing that Goal #3 speaks to the importance of dynamically responding to developing concerns that are emerging in communities. Gerald McIntyre added that the goal should also address current concerns. The terminology “on the ground” is used purposefully in this goal to identify grassroots communities.

The following revisions were proposed: To identify current and developing concerns on the ground ~~and~~ in communities, and to develop specific strategies or tactics that we can use to address these specific concerns.

The facilitator from Sacramento State University re-read goals as revised. There was no additional feedback from members, nor additional public comment on this topic. Tom Saenz moved to adopt the three goals as revised. The motion was seconded by Basim Elkarra. The motion carried with all members in favor of adopting the goals as revised:

Final Goals:

- 1. To provide ideas as to how the state can supplement protection for the confidentiality of peoples’ census information from federal government misuse, technological breach, or misuse by any other party.**
- 2. To suggest messaging that will help us to build higher trust with all hard to count (HTC) communities, and inspire participation.**
- 3. To identify current and developing concerns on the ground in communities, and to develop specific strategies or tactics that we can use to address these specific concerns.**

4. Committee Initial Report to Governor – Specific Issues of Concern

Chair Wei requested the Working Group consider the particular issues of concern and challenges that may be faced while working to achieve each of the three adopted goals.

Members noted the following motivating concerns/challenges associated with Goal #1, the potential misuse of census information:

- The potential for federal-level sharing of census data, between federal agency departments, in violation of the statute.



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- The possibility that community-based organizations tasked with census outreach and/or collecting census data are not properly trained to maintain confidentiality of data.
- Errant government employees potentially sharing data without authorization.
- Data breach/ hacking of the technological storage systems.
- The unprecedented level of distrust in the federal government by many Californians; and the general feeling of uncertainty that the current federal administration will follow current Federal law.
- The inclusion of highly sensitive questions in the census form, such as the citizenship question, generates fear, given the current administration's focus on expanding immigration enforcement.
- Digital census forms may provide greater opportunity for data breach.

Members noted the following motivating concerns/challenges associated with Goal #2, related to developing positive census messaging:

- California has a large number of different HTC communities, and a diverse number of residents that fall within traditionally HTC communities.
- Messaging is never "one size fits all." Messaging should be specific and tailored to different community groups, locations, etc. Furthermore, messaging and outreach should be culturally relevant/significant.
- The USCB may not have sufficient resources to conduct outreach to all HTC communities. There is an opportunity for the State to fill gaps left by federal level messaging efforts.

Dan Torres noted agreement with the rationale for Goal #3, and added that not only should the messages be culturally relevant, but the *messengers* should be culturally appropriate as well. He suggested the use of third-party messengers (not government workers) to conduct outreach and reinforce trust in the Census effort.

Members noted the following motivating concerns/challenges associated with Goal #3, related to developing specific strategies for addressing census-related concerns:

- The census effort is a dynamic effort. It is nearly impossible to anticipate what might trigger new census-related concerns within communities (for example, a proposed boycott from a community, an action taken by the federal government, etc.)

There was no public comment on this topic.

5. Committee Initial Report to Governor – Recommended Outreach Strategies

The Working Group conferred about recommended outreach strategies to include in the Report. Tom Saenz proposed the following three recommendations:



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1. It is recommended that the State collect and collate a list of all existing legal protections for the confidentiality of census information provided by both State and Federal law.
2. It is recommended that the State consider supplementing legal protections for census information, even if State-level protections are redundant to federal law, as this would reassure the public on confidentiality of data. For example, the California Attorney General's Office could join with other state attorneys general to offer a shield mechanism for confidential data.
3. It is recommended the State consider what can be done outside law to bolster the public's trust that confidentiality will be upheld, such as informal activity within governments or by NGOs.

Dan Torres asked if the public process of ensuring legal protection of census data would include a monitoring component. For example, if one witnesses purposeful or inadvertent misuse of data, is there a mechanism to report such behavior? Tom Saenz replied yes, there would be.

Tom Saenz further noted that California has a high number of *temporary protected status* (TPS) communities, and that in the future, these communities might transition from being lawfully permitted to undocumented in status. He then recommended that:

4. The State should work with appropriate persons to identify how the occurrence or dissolution of TPS might impact efforts to ensure a complete count across the State.

Chair Wei inquired if the Working Group might recommend specific messaging or strategies to outreach to mixed-status families, and if USCB yet has a definitive answer whether the citizenship question can be skipped on the census form. Dan Torres replied that USCB does not yet have a formal response as to whether this question can be skipped when completing the form online, via paper copy, or over the phone. Tom Saenz reminded participants that it is illegal to not fill out the census form.

Also, with regard to strategic messaging and the need for generating culturally appropriate messages and messengers, Basim Elkarra suggested:

5. Incorporating the use of ethnic media (print and digital) in census outreach methods and information distribution is recommended.

Chair Wei inquired if the State is conducting any focus group message testing. Dan Torres responded that there is a message testing group that currently meets, and this is an ongoing process. He is unsure if this group hired a professional to conduct focus groups. The Working Group is interested to receive additional information on how message testers are selecting focus group participants.



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6. Public Comment and Next Steps

Dan Torres re-emphasized the early, initial nature of the Report being developed for the Governor's Office, and reminded the Working Group that they are flagging important issues for the Office to be alert to throughout the Census 2020 effort. He thanked this Working Group for their efforts and contributions.

Chair Wei asked for any final public comment. There was none.

7. Motion to Adjourn

The meeting was adjourned by motion at 2:41 PM.

DRAFT