

March 25, 2021

The Honorable Rob Fairweather  
Acting Director  
The Office of Management and Budget  
725 17th Street NW  
Washington, D.C. 20503

The Honorable Kei Koizumi  
Acting Director  
Office of Science and Technology Policy  
Executive Office of the President  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue NW  
Washington, D.C. 20504

Dear Acting Director Fairweather and Acting Director Koizumi,

We are trade associations, think tanks, and public interest organizations with a common interest in promoting policies that facilitate data-enabled innovation and growth in a manner that respects and protects privacy and security. We write today to ask that you make open data a priority for your Administration. Specifically, we request that you take steps to enable the full implementation of the Open, Public, Electronic and Necessary (OPEN) Government Data Act, and that you consider the appointment of a Chief Data Officer to coordinate Federal open data efforts and ensure that data is being fully leveraged as a strategic asset. The signatories to this letter supported the OPEN Government Data Act's core objective of providing more transparency and efficiency in government while taking care to delineate between public and nonpublic data assets.

We are encouraged by steps the Administration has already taken to improve the use of data within government. For instance, the Executive Order on "Ensuring a Data-Driven Response to COVID-19"<sup>1</sup> called for a review of "the Federal Government's existing approaches to open data" as part of an effort to increase the availability of COVID-19-related data. Similarly, the memorandum on "Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking,"<sup>2</sup> directs agencies to "expand open and secure access to Federal data...[so that] governmental and non-governmental researchers can use Federal data to assess and evaluate the effectiveness and equitable delivery of policies and to suggest improvements." These important actions recognize the vital role that open data plays in improving the delivery of government services and addressing urgent public policy challenges.

Accomplishing the objectives of these measures and realizing the potential of open data will

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<sup>1</sup> Executive Order on Ensuring a Data-Driven Response to COVID-19 and Future High-Consequence Public Health Threats | The White House, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-ensuring-a-data-driven-response-to-covid-19-and-future-high-consequence-public-health-threats/>.

<sup>2</sup> Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking | The White House, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>.

require a solid policy foundation. Unfortunately, the statutory basis for such efforts – the OPEN Government Data Act – has yet to be fully implemented. As detailed in a Government Accountability Office report, the previous Administration did not provide statutorily required agency guidance to facilitate the creation of comprehensive data inventories.<sup>3</sup> The lack of agency guidance has frustrated what was intended to be a lynchpin of the Act, because the “evidence building community cannot use data unless there is some way to know that the data exists and where the data is located.”<sup>4</sup> Thus, in keeping with the Administration’s prioritization of open data, we ask that you promptly finalize its implementation.

The success of Administration open data efforts will depend on establishing dedicated senior leadership that is focused on enhancing the use and management of data across government. To that end, we urge the Biden Administration to consider appointing a Federal Chief Data Officer to lead the Federal Chief Data Officer Council. The roles of a Chief Information Officer and a Chief Data Officer are fundamentally different. Whereas CIOs play a crucial role in overseeing an organization’s information technology systems, the focus of a CDO is on ensuring that the organization’s data is collected, maintained, and shared in ways that will enhance its strategic value. Recognizing their distinct roles, the OPEN Government Data Act requires agencies to appoint a CDO to ensure that there is a dedicated senior leader focused on improving data practices while allowing CIOs “to continue their focus on technology, procurement, and physical information systems responsibilities.”<sup>5</sup> Given the complicated and sprawling nature of the federal IT environment and the incredible range of data practices across the government, the appointment of a standalone CDO that is singularly focused on enhancing Federal data management practices is long overdue. In addition to enhancing governmental uses of data, a CDO will establish a critical liaison with the private sector that can facilitate public-private partnerships to address pressing global challenges. From climate change to healthcare disparities, there are opportunities to bridge the data divide between government, industry, and civil society and encourage data-driven collaboration that can help address the great public policy challenges of our time.

Sincerely,

BSA | The Software Alliance  
Center for Data Innovation  
Consumer Technology Association (CTA)  
Information Technology Industry Council (ITI)  
Internet Association  
R Street Institute  
Software & Information Industry Association (SIIA)  
TechNet  
U.S. Chamber Technology Engagement Center (C\_TEC)

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<sup>3</sup> See Open Data: Agencies Need Guidance to Establish Comprehensive Data Inventories; Information on Their Progress is Limited from GAO, available at <https://www.gao.gov/assets/720/710068.pdf>.

<sup>4</sup> H.R. Rep. 115-411 at 12, *Foundations for Evidence-Based Policymaking Act of 2017*.

<sup>5</sup> See H. Rept. 115-411, *Foundations for Evidence-Based Policymaking Act of 2017*.