Why this restriction?
Data, Compliance, and the Law

Brett Currier
Beyond the Numbers
November 7, 2018
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Digital Scholarship Librarian & Library Manager
Center for the Advancement of Data Research in Economics
Federal Reserve Bank of Kansas City

The views expressed herein are solely those of the author and do not necessarily reflect the views of the Federal Reserve Bank of Kansas City or the Federal Reserve System.
Data Definition

Structured information used in quantitative analysis
<table>
<thead>
<tr>
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<td>1</td>
<td>California</td>
<td>39,350,017</td>
<td>37,204,303</td>
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<td>738,841</td>
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<td>27,862,596</td>
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<td>20,412,497</td>
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<td>17</td>
<td>750,788</td>
<td>696,165</td>
<td>5.38%</td>
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<td>New York</td>
<td>19,745,393</td>
<td>19,178,087</td>
<td>17</td>
<td>713,177</td>
<td>717,707</td>
<td>6.11%</td>
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<td>12,803,339</td>
<td>12,831,349</td>
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<td>719,444</td>
<td>722,813</td>
<td>5.98%</td>
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<td>12,768,237</td>
<td>13,072,887</td>
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<td>713,243</td>
<td>709,889</td>
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<td>11,814,373</td>
<td>11,586,725</td>
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<td>721,632</td>
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<td>14</td>
<td>729,633</td>
<td>695,975</td>
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<td>9,525,692</td>
<td>13</td>
<td>711,523</td>
<td>731,496</td>
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<td>9,084,425</td>
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<td>708,735</td>
<td>705,874</td>
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<td>8,791,936</td>
<td>12</td>
<td>749,561</td>
<td>753,656</td>
<td>2.77%</td>
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<td>Virginia</td>
<td>8,411,498</td>
<td>8,001,045</td>
<td>11</td>
<td>702,059</td>
<td>727,166</td>
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<td>6,724,541</td>
<td>10</td>
<td>717,015</td>
<td>672,454</td>
<td>2.36%</td>
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<td>6,192,307</td>
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<td>758,914</td>
<td>710,124</td>
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<td>15</td>
<td>Massachusetts</td>
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<td>6,567,817</td>
<td>9</td>
<td>754,918</td>
<td>727,514</td>
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<td>6,362,275</td>
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<td>735,367</td>
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<td>6,469,225</td>
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<td>735,250</td>
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<td>18</td>
<td>Missouri</td>
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<td>5,988,927</td>
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<td>760,409</td>
<td>748,815</td>
<td>1.89%</td>
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<td>19</td>
<td>Maryland</td>
<td>6,816,447</td>
<td>5,773,785</td>
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<td>750,800</td>
<td>721,494</td>
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<td>20</td>
<td>Wisconsin</td>
<td>5,778,708</td>
<td>5,687,285</td>
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<td>721,417</td>
<td>715,873</td>
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<td>Colorado</td>
<td>5,540,145</td>
<td>5,029,324</td>
<td>7</td>
<td>779,511</td>
<td>729,704</td>
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<td>Minnesota</td>
<td>5,319,952</td>
<td>5,301,925</td>
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<td>686,199</td>
<td>662,891</td>
<td>1.71%</td>
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<td>South Carolina</td>
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<td>4,825,402</td>
<td>7</td>
<td>899,490</td>
<td>680,789</td>
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<td>24</td>
<td>Alabama</td>
<td>4,863,360</td>
<td>4,765,127</td>
<td>7</td>
<td>694,140</td>
<td>683,819</td>
<td>1.51%</td>
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<td>Louisiana</td>
<td>4,883,066</td>
<td>4,531,475</td>
<td>6</td>
<td>779,454</td>
<td>755,362</td>
<td>1.45%</td>
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<td>Kentucky</td>
<td>4,456,974</td>
<td>4,339,349</td>
<td>6</td>
<td>713,515</td>
<td>722,528</td>
<td>1.37%</td>
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<td>Oregon</td>
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<td>3,833,073</td>
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<td>805,785</td>
<td>766,213</td>
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<td>Oklahoma</td>
<td>3,920,561</td>
<td>3,753,616</td>
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<td>782,248</td>
<td>798,270</td>
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<td>Connecticut</td>
<td>3,576,452</td>
<td>3,574,118</td>
<td>5</td>
<td>712,377</td>
<td>728,839</td>
<td>1.11%</td>
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<tr>
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<td>30</td>
<td>Puerto Rico</td>
<td>3,411,307</td>
<td>3,726,157 (1. non-voting)</td>
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<tr>
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<td>31</td>
<td>Iowa</td>
<td>3,134,493</td>
<td>3,046,895</td>
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<td>760,975</td>
<td>761,189</td>
<td>0.97%</td>
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<td>2,783,489</td>
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<td>748,083</td>
<td>698,121</td>
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<td>33</td>
<td>Minnesota</td>
<td>2,988,726</td>
<td>2,960,103</td>
<td>4</td>
<td>748,083</td>
<td>741,824</td>
<td>0.93%</td>
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<tr>
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<td>34</td>
<td>Arkansas</td>
<td>2,388,248</td>
<td>2,131,959</td>
<td>4</td>
<td>744,551</td>
<td>728,800</td>
<td>0.93%</td>
</tr>
</tbody>
</table>
“Prophet!” said I, “thing of evil!—prophet still, if bird or devil!” By that Heaven that bends above us—by that God we both adore—Tell this soul with sorrow laden if, within the distant Aidenn, It shall clasp a sainted maiden whom the angels name Lenore—Clasp a rare and radiant maiden whom the angels name Lenore.

Quoth the Raven “Nevermore.”
Quantitative Analysis

- Counting
- Statistical Models
Data Definition

Structured information used in quantitative analysis
Where does data come from?

Primary Data

- Collected data
  - Behavioral Economics
- Created Data
  - Systematic Reviews
  - Extracted from TDM

Secondary Data

- Publicly available data
  - Census
  - ICPSR
- FOIA data
- Purchased data
- Sensitive Government Data
  - Research Data Centers
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Where does data come from?

**Primary Data**
- Collected data
  - Behavioral Economics
- Created Data
  - Systematic Reviews
  - Extracted from TDM

**Secondary Data**
- Publicly available data
  - Census
  - ICPSR
- FOIA data
- Purchased data
- Sensitive Government Data
  - Research Data Centers
Four Important Moments

• As Published or As Collected Data
• Extracted Data
• Intermediate Data
• Final Model Data
Kinds of Restrictions

• Limits on internal access
• Limits on sharing
• Limits on preservation
Where do restrictions come from?

- Primary Data
  - IRB Study
  - Non-disclosure agreement to participants
  - End User License Agreement
  - Site License
  - State Law
  - Federal Law
Where do restrictions come from?

• Secondary Data
  • End User License Agreement
  • Site License
  • State Law
  • Federal Law
  • Formal Contracts
Why do they matter?

- Using
  - Aggregating
  - Computing
  - Citing
- Sharing
  - Reproducing
- Preserving
  - 10 year half life
  - 4 different updates to Microsoft Office in 10 years
  - Restrictions are barriers to preservation
Questions

• What are you trying to do?
• Does the underlying restriction
  • Bar public dissemination?
  • Bar private preservation?
• Does it matter?
• Is the vendor or participant willing to given consent?
• To what extent is the library or institution willing to mediate or facilitate those conversations?
• Can the data be aggregated or computed enough from the underlying raw data to satisfy concerns?
Determine the Reason for the Underlying Restriction

- Confidential Information
  - IRB Information
  - Research Data Centers
  - Privacy
- Data Integrity
- Industry Leader
  - ICPSR: Standard Agreement
- Market harm through competition
  - Proprietary Data
  - Proprietary Data Organization
Final Steps

• Negotiate
• Find an alternative data provider
• Return the vendor to ask
Questions?