



Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

LD 1826 “An Act to Protect the Confidentiality of Personally Identifiable Information in Records of the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations”

May 2, 2025

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee,

My name is Ariel Ricci and I am the Executive Director of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. I am here to testify in favor of LD 1826.

The Permanent Commission is mandated by statute to carry out research related to the status of historically disadvantaged populations. Statute specifies that this should include study of quantitative and qualitative data on sensitive topics related to finances, employment, education, and healthcare. The following page includes an extract of our statutory duties.

As we increase our capacity to conduct primary research, we identified a barrier to fulfilling our mandate in a way that protects personally identifiable information (PII). Protection of PII is crucial to both conducting ethical research and to building trust between communities and state agencies.

Having appropriate mechanisms in place to protect PII is essential for Institutional Review Board approval for research that includes human participants. Currently, any quantitative and qualitative data we collect is subject to full disclosure under the Freedom of Access Act, with no exemption that permits PII to be redacted. This has inhibited our ability to conduct meaningful and reliable research as we are mandated by statute because we cannot provide participants any assurance that we can keep their personal information confidential.

In 2024, we worked closely with the Right to Know Advisory Committee (and their Exemptions Subcommittee) to develop proposed statutory language to allow for

PII that we collect through our research work to be confidential. LD 1826 reflects that language that was thoughtfully developed and unanimously recommended by the Advisory Committee.

The requested exemption is necessary to fulfill our statutory mandate and it centers the protection of individual privacy related to sensitive personal information. It is drafted to be very narrow, in that it relates only to PII gained as part of our research work, and includes permission to disclose that information if the individual concerned has provided their consent.

Statutory duties (Title 5, Chapter 631)

5 §25007. Duties and powers

1. Commission duties. The commission shall:

A. Carry out research necessary to determine the status of historically disadvantaged racial, indigenous and tribal populations, including the study of income levels of and opportunities available to historically disadvantaged racial, indigenous and tribal populations and the examination of quantitative and qualitative data associated with those populations regarding business ownership, household assets, debts and income, housing, employment, education, health care and access to wealth, capital and benefits; [PL 2019, c. 457, §2 (NEW).]

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