



OFFICE OF MANAGEMENT AND BUDGET

ISSUE: FEDERAL AGENCY FORMS (GENDER)

POLICY DESCRIPTION: The Privacy Act requires agencies to “maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency.” [5 U.S.C. § 552a(e)(1)]. Moreover, the Paperwork Reduction Act of 1995 mandates that agencies collect only information that is “necessary for the proper performance of the functions of the agency” and “has practical utility.” [44 U.S.C. § 3508]. Despite these clear proscriptions against collecting or maintaining unnecessary personal information about individuals, many government programs collect gender as required (or optional) data even where there is no programmatic purpose to do so. The Social Security Administration (SSA) and other agencies, including the Department of Homeland Security and the Center for Medicare and Medicaid Services, match personal data with other federal, state and local government databases and collect gender data even with no programmatic purpose. The SSA matching programs often generate gender “no-match” notifications to an individual’s employer, state Department of Motor Vehicles, or other agency, that can lead to loss of privacy and discrimination.

Recommendation for Change: The OMB should issue a guidance regarding the use of gender on federal agency forms. The guidance should call for eliminating collection of gender or gender-related data on government forms when such data is not relevant or necessary to accomplish the specific goals of the agency issuing the form. The guidance should also ensure that any federal government agency providing or receiving data from federal, state, or local government databases does not collect gender information unless it is necessary for the proper functions of the relevant agencies and programs.. Additionally, we believe there has been no advocacy on this issue in the past.