



*Improving the Lives of Older Adults and People with Disabilities  
Through Services, Research, and Education*

## **BACKGROUND**

ACL agency-wide policy for collecting data on sexual orientation and gender identity (SOGI). The purpose of this policy is to promote consistency and provide clarity in our work to improve our ability to understand and make a difference in the lives of LGBTQ+ individuals and their families across our programs.

Data collection is a core component of the Administration's efforts to advance equity. [Executive Order 13985](#) defines "equity" as the consistent and systematic fair, just, and impartial treatment of all individuals, and includes lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people among the underserved communities listed. The Executive Order highlights the barriers to equity associated with the lack of Federal datasets that are disaggregated by key demographic variables. [Executive Order 13988](#) instructs each agency to consider additional actions it can take to fully implement the Administration's policy of ensuring that all persons receive equal treatment under the law, no matter their gender identity or sexual orientation. Finally, [Executive Order 14075](#) directly addresses the importance of SOGI data collection, including a specific instruction to consider "ways to improve and increase appropriate data collection on sexual orientation and gender identity in surveys on older adults[.]"

The National Academies of Science, Engineering, and Medicine (NASEM) recently published a report on [Measuring Sex, Gender Identity, and Sexual Orientation](#) for the National Institutes of Health. This report represents the culmination of years of work within HHS to develop SOGI data collection methodology, and its recommendations are reflected in this policy.

## **POLICY**

ACL's policy is to collect SOGI demographic data in all information collection requests (ICR) where other demographic information is collected for purposes other than program eligibility. Each ICR (including surveys, intake forms, and any other information collection that requires clearance from the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) should be assessed for inclusion of SOGI questions during the clearance process for its initial creation or its renewal. Each ICR should use the SOGI questions listed in the appendices to this policy. ACL's Center for Policy and Evaluation (CPE) is available to provide technical assistance on a program-by-program basis as needed.

**Example:** A program that is only available to individuals with disabilities collects disability demographic information to verify eligibility. If that program *only* collects disability demographic information, it does not also need to collect SOGI information.

However, if the program *does* collect other demographic information (such as race,

ethnicity, gender, or age) for purposes unrelated to eligibility (such as understanding more about the different populations that benefit from the program), the program would need to incorporate SOGI demographic questions into its PRA package at the time of its next renewal.

#### A. Assessing Existing Information Collections

As an information collection comes up for extension, the individual responsible for developing the ICR should:

1. Assess whether the collection captures demographic information. If it does not, no further action related to this policy is necessary.
2. If the collection captures demographic information, assess whether all the demographic information collected is related to program eligibility. If so, no further action related to this policy is necessary.
3. If the collection captures demographic information that is unrelated to program eligibility, it should also collect SOGI data, and the ICR should include the addition of SOGI questions, consistent with the instructions below. Existing questions related to sex or gender should be replaced with the questions below.

#### B. Adding SOGI Questions to an ICR

The information required to add SOGI questions to an ICR will depend on whether SOGI questions have previously been included and on the type of information collection. For purposes of this policy, information collections will consist of two primary types: (1) surveys, and (2) all other information collections, such as applications and performance reports (administrative data collections).

1. ACL surveys should be revised to incorporate the SOGI questions included in Appendix A, and the related ICR should incorporate an appropriate justification for collecting the information. An example is provided in Appendix C.
2. ACL administrative information collections should be revised to incorporate the SOGI questions included in Appendix B, and the related ICR should incorporate an appropriate justification for collecting the information. An example is provided in Appendix C.
3. Information collections that already ask SOGI questions should be revised consistent with the recommended questions in the appendices of this policy, depending on the type of information collection.

#### C. Reviewal and Approval Process

Once an information collection program sponsor has established whether an ICR should include SOGI questions, and then drafted the data collection activity to include the recommended questions (data elements) and justifications as recommended by this policy, the ICR should proceed through the relevant Center's Standard Operating Procedure (SOP) review and approval process.

This should include revising the Letter to the Administrator to incorporate updated language related to demographic information, which has been incorporated into the ACL Center for Management and Budget (CMB) template Letter.

Training and technical assistance are available from CMB and CPE on all SOGI data collections to help ACL staff implement this policy.

Frequently Asked Questions are maintained in Appendix D.

**APPENDIX A:  
SOGI Questions for Surveys**

**Sexual Orientation:**

**Which of the following best represents how you think of yourself? [Select ONE]:**

- Lesbian or gay
  - Straight, that is, not gay or lesbian
  - Bisexual
  - [If respondent is AIAN:] Two-Spirit\*
  - I use a different term [free-text]\*\*
- (Don't know)  
(Prefer not to answer)

**Gender Identity:**

*Use the following pair of questions for assessing sex assigned at birth and gender identity. These should replace existing questions about gender or sex.*

**Q1: What sex were you assigned at birth, on your original birth certificate?**

- Female
  - Male
- (Don't know)  
(Prefer not to answer)

**Q2: What is your current gender? [Select ONE]**

- Female
  - Male
  - Transgender
  - [If respondent is AIAN:] Two-Spirit\*
  - I use a different term: [free text]\*\*
- (Don't know)  
(Prefer not to answer)

\*For information collections that use skip logic, Two-Spirit should only be presented as a response option to individuals who identify as AIAN. For information collections that do not use skip logic, Two-Spirit should not be included as a response option.

\*\*A program might decide that it is not feasible to add a free text response option to an information collection (for example, if a program does not have the resources to code individual responses). In that case, "I use a different term" should remain as an option without the ability to enter a unique response.

**APPENDIX B**  
**SOGI Questions for Administrative Data Collections**

**Sexual Orientation:**

**Which of the following best represents how you think of yourself? [Select ONE]:**

- Lesbian or gay
  - Straight, that is, not gay or lesbian
  - Bisexual
  - [If respondent is AIAN:] Two-Spirit\*
  - I use a different term [free-text]\*\*
- (Don't know)  
(Prefer not to answer)

**Gender Identity:**

*Use the following pair of questions for assessing gender identity. These should replace existing questions about gender.*

**Q1: What is your current gender? [Select ONE]**

- Man
  - Woman
  - Non-binary
  - [If respondent is AIAN:] Two-Spirit\*
  - I use a different term [free-text]\*\*
- (Prefer not to answer)

**Q2: Do you consider yourself to be transgender?**

- Yes
  - No
- (Prefer not to answer)

\*For information collections that use skip logic, Two-Spirit should only be presented as a response option to individuals who identify as AIAN. For information collections that do not use skip logic, Two-Spirit should not be included as a response option.

\*\*A program might decide that it is not feasible to add a free text response option to an information collection (for example, if a program does not have the resources to code individual responses). In that case, "I use a different term" should remain as an option without the ability to enter a unique response.

## **APPENDIX C**

### **PRA Package Justifications**

When writing a justification for any information collection, the two questions that require an answer to justify the information collection are the purpose for the collection, and how the data will be used (purpose and use). Please consider the purpose and use of your specific data collection and ensure you tailor the paragraph to reflect any needs specific to your collection.

#### **Example Justification Language for SOGI Data Collection**

##### **[FOR ALL COLLECTIONS]:**

An important gap in sociodemographic information on the INSERT INFORMATION COLLECTION NAME is a lack of items collecting sexual orientation and gender identity. Adding sexual orientation and gender identity items to THIS INFORMATION COLLECTION is part of ACL’s strategy to address “Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity and Sexual Orientation.” Issued in January 2021, Executive Order 13988 called upon agencies to identify existing and new policies to promote equal treatment under the law and ensure that all persons are able to access healthcare and other essential services without being subjected to sex discrimination. To support alignment with Executive Order 13988, as well as Executive Orders 13985 and 14075, three items will be added to THIS INFORMATION COLLECTION to collect sexual orientation and gender identity. The first item will ask the individual if they think of themselves as gay/lesbian, straight, bisexual, or something else. This item has been fielded on the NHIS since 2013, where it has been closely monitored for comprehension and sensitivity.

##### **[FOR SURVEYS]:**

The second and third items are part of a two-step series to collect gender identity, which requires two items to accurately collect. Respondents are first asked to report their sex assigned at birth on their original birth certificate (male, female, don’t know, prefer not to answer). Next, respondents are asked to report their current gender identity (male, female, transgender, I use a different term, prefer not to answer) This two-step series aligns with recommendations from the National Academies of Sciences, Engineering, and Medicine’s (NASEM’s) recent report, “Measuring Sex, Gender Identity, and Sexual Orientation.” These items have also been cognitively tested for inclusion in the Medicare Current Beneficiaries Survey under the MCBS Generic Clearance and performed well.

##### **[FOR ADMINISTRATIVE DATA]:**

The second and third items are part of a two-step series to collect gender identity, which requires two items to accurately collect. Respondents are first asked to report their current gender (man, woman, non-binary, I use a different term, prefer not to answer). Next, respondents are asked whether they identify as transgender (yes, no, prefer not to answer). This two-step series aligns with recommendations from the National Academies of Sciences, Engineering, and Medicine’s (NASEM’s) recent report, “Measuring Sex, Gender Identity, and Sexual Orientation.” Because sex as a biological variable is not germane to this information collection, we follow the NASEM report recommendations to collect information about gender, rather than sex assigned at birth.

##### **[FOR ALL COLLECTIONS]:**

Including sexual orientation and gender identity questions in this information collection will provide data on topics such as the accessibility and utilization of services and programs funded by

ACL by lesbian, gay, bisexual, and transgender populations and the health disparities that impact this community. Understanding these disparities can and should lead to improved service delivery for ACL's programs and populations served.

**Example Justification for Sensitive Questions**

**[FOR ALL COLLECTIONS]:**

In general, this information collection does not ask sensitive questions. However, for a small number of respondents, there may be some items that are considered to be sensitive. All interviewers are trained on how to handle respondent concerns about questions being sensitive. Despite the potentially sensitive nature of these items, years of data collection on these topics on the NSOAAP, BRFSS, YRBS, NSDUH, MCBS, NHIS, and other Federal surveys indicates that respondents are willing to respond and do not report sensitivity concerns to interviewers.

## APPENDIX D

### Frequently Asked Questions

1. **Question:** Our program already asks about gender, why do we need to revise it to ask about gender identity? Why do we need to ask two questions about gender identity?

**Answer:** Accurately collecting information about gender that is inclusive of transgender and non-binary individuals requires a two-step series. In the past, information collections have often used sex and gender interchangeably, but it is no longer best practice to ask about sex unless the biological variable of sex is relevant to the collection.

2. **Question:** I think these questions should be tested on a population that specifically reflects the participants in my program (or the respondents to this specific information collection). Do I still need to ask these questions?

**Answer:** More testing on all the populations served by ACL programs would be great! In the meantime, ACL's policy is for all information collections that collect demographic information to collect SOGI information, too.

3. **Question:** My program collects information about individuals under the age of 18. Should I still ask SOGI questions?

**Answer:** The NASEM report does not address individuals under 18, but asking SOGI questions of younger people is increasingly common across the federal government. (For example, in the CDC's Youth Risk Behavior Survey and in Runaway and Homeless Youth programs). While this policy doesn't require asking SOGI collections for younger people, please meet with CPE to discuss whether it makes sense to do so for your information collection.

4. **Question:** My program collects information through a proxy - the individuals receiving services don't respond for themselves. Should we still ask these questions?

**Answer:** Yes, you should still ask these questions. You should use the same instructions for the proxy reporter that you use for other demographic information.

5. **Question:** I think our program respondents might not be comfortable answering these questions. Will asking these questions create a barrier to accessing services?

**Answer:** Research has shown that individuals across the lifespan are comfortable answering these questions. The "drop off rate" (or the rate at which people drop out of a survey after being asked a question) is actually much higher for income-related questions than for SOGI question. **Importantly, demographic questions are always optional to answer unless they determine program eligibility.**