

## Attachment 2a. Public Comments

### Comment 1

I oppose utilizing automated collection techniques or the use of other forms of information technology in conducting this outreach if the technology includes planting cookies on the unsuspecting respondent's electronic devices. By allowing third-party applications to conduct the outreach, it is highly likely the application makes money by planting surveillance cookies on the users' devices or utilizing other surveillance technologies. Thus, an LGBTQ respondent could be subject to illicit surveillance from the third party for all kinds of personal and sensitive data.

This use of third-party applications and cookies can have an extra traumatizing affect on the LGBTQ community. LGBTQ members often suffer discrimination, which leads many to hide their sexual orientation. By allowing surveillance tracking cookies when collecting data—such as Google Analytics—the government may inadvertently lead to the disclosure of one's sexual identity. Google Analytics is a massive surveillance system that tracks computer users' visits on various websites and combines this information to form detailed profiles of U.S. citizens. For example, the Regulations.gov website attempted to plant a Google Analytics cookie onto this internet browser on April 16, 2023.

Thus, the safest and most secure process for the CDC to collect information and process this information would be to utilize paper, hard copy forms in the local agencies that process the claims. If this is not possible, there should not be a massive nationwide online database accessible to many parties. This information should be broken up into many smaller databases, potentially by state, to minimize those with authorized access and the risk of a data breach. A potential improvement to this challenge would be for the government to create its own technology platform that does not plant any cookies on the user's device and to refrain from utilizing Google Analytics. Perhaps this type of platform already exists or could be created and utilized for a variety of programs.

In summary, I oppose the use of automated collection techniques or other surveillance forms of information technology that may be utilized by the CDC's project. Modifications to improve this proposal, as noted above, are likely to greatly improve the potential impact on any LGBTQ community members who may become involved.

### Comment 2

Thank you for the opportunity to comment on such an important issue.

In order to reduce inequity across the CDC's programs from discrimination based on sexual orientation and gender identity, these metrics should be completed anonymously. This documentation should be entirely voluntary and should provide participants with the ability to write in the sexual orientation and gender identity they identify with. Some LGBTQ members may consider their gender to be fluid and

prefer to utilize multiple categories in its description, which should be permitted.

LGBTQ members play a prominent role in the United States and are especially at risk for privacy and security concerns brought on by collecting massive government databases singling them out for their sexual orientation or gender identification. This type of questioning may expose LGBTQ members to further bias and discrimination.

“Function creep” occurs when data is collected for one reason and can then be utilized for other, non-intended purposes. By collecting sexual orientation and gender-identifying data here, LGBTQ members are at risk that this data may be utilized for purposes far beyond the originally stated function.

While the Supreme Court’s ruling in *Bostock* provides some protection for LGBTQ members from employment discrimination at the federal level, other forms of discrimination are still legal depending on the state. In States where LGBTQ discrimination is legal—like Idaho—sensitive inferences about sexuality can have drastic effects on one’s housing, social environment, and other areas of everyday life. Regardless of the state an individual currently resides in, this data collection could significantly impact their lives in the future. Moreover, LGBTQ members have a right to privacy, as implied by the Constitution.

Thus, by only collecting data anonymously, the Center can minimize discrimination based on sexual orientation and gender identity for those who voluntarily disclose such status, without subjecting LGBTQ members to additional risks. This would likely have a neutral impact on the LGBTQ community. Therefore, I would only support this data collection, under the above circumstances.

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| CDC Response: These comments were submitted anonymously so there was no contact information available. |
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