5 Step Guide
TO RESPONSIBLE DATA IN CIVIL JUSTICE INTERVENTIONS

WHAT'S RESPONSIBLE DATA?
To ensure clients' rights while respecting the value of openness and reflection when gathering data, analyzing it, or designing data-driven tech or advocacy strategies.

WHY DO WE NEED IT?
Research has found that big data analytics can perpetuate existing patterns of discrimination, inherit the prejudice of prior decision-makers, or reflect hidden biases in society. Therefore, we have a personal responsibility to ourselves and our clients to address the ethical, security, and privacy challenges that arise when working with data. Doing responsible data in the civil justice context also requires us to consider whether there may be times where fairness and ethical considerations require us to abstain from using data in certain circumstances.

**STEP #1**
Develop a data ethics/responsibility plan for your project which outlines:

- The kind of data you’re collecting and for what purposes;
- Who in the project/organization will have oversight and accountability for use of the data;
- Who will analyze the data and how;
- How you have documented consent from target communities;
- Best practices of data management you will be implementing.

**STEP #2**
Get to know your data:

- Have you examined the data quality and usability?
- Is the data accurate and complete?
- Consider whether your data sets are missing information from particular populations. If so, take appropriate steps to address this problem.

**STEP #3**
Examine the data sensitivity for the communities you are hoping to serve:

- Are you collecting personal, community, or demographic identifiable information?
- What communities could potentially be adversely affected by data use in your project, and how?
- Consider how your use of data helps to advance opportunities for previously underrepresented populations.
- Are you collecting data which could create or reinforce existing disparities in terms of: ethnicity, identity, gender, race, class, sexuality, disability, language, religion, size, citizenship status, geography, etc.?
- Could your data harbor potential biases?

**STEP #4**
Acquaint yourself with the consumer protection laws applicable to big data practices:

- Equal opportunity laws, including the Equal Credit Opportunity Act (“ECOA”), Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Fair Housing Act, and the Genetic Information Nondiscrimination Act.
- Fair Credit Reporting Act
- Federal Trade Commission Act
- State and local laws

**STEP #5**
Evaluate and empower your target populations!

- Research the general data literacy of your target population. If targeting data illiterate populations, identify the interventions you will use to educate end users.
- Identify mechanisms for providing end-users and target communities with feedback on how their data is being used.

WORMHOLE INTO THE FUTURE
With increasing use of predictive analytics, triage algorithms, justice portals, expert systems, and document assembly will the civil justice community soon need:

- MULTI-DISCIPLINARY DATA ETHICS COMMITTEE?
- INSTITUTIONAL REVIEW BOARDS?
- RESPONSIBLE DATA PROGRAM MANAGERS?