

REVISED LEGISLATIVE DIGEST
(7/19/2016, Amended in Board)

[Administrative Code - Collection of Sexual Orientation and Gender Identity Data]

Ordinance amending the Administrative Code to require City departments and contractors that provide health care and social services to seek to collect and analyze data concerning the sexual orientation and gender identity of the clients they serve.

Existing Law

Currently, there is no law that requires City departments, contractors, or grantees that provide direct services to San Franciscans to collect information about the sexual orientation and gender identity of the clients served.

Amendments to Current Law

This revised legislative digest reflects amendments made in a meeting of the Board of Supervisors on July 19, 2016.

The proposed ordinance would require six City departments (the Department of Public Health, the Department of Human Services, the Department of Aging and Adult Services, the Department of Children, Youth and their Families, the Department of Homelessness and Supportive Housing, and the Mayor's Office of Housing and Community Development) to seek to collect information about their clients' sexual orientation and gender identity when they are providing direct services, such as access to housing, healthcare, or public assistance benefits, and otherwise collect demographic information. For example, a covered City department that, in the course of providing medical services, asks patients to report their race, ethnicity, or gender, would be required by the proposed ordinance to seek to collect information about patients' sexual orientation and gender identity as well.

The duty to collect sexual orientation and gender identity data also would apply to the six covered departments' contractors and grantees, where their contract or grant with the City is for the performance of direct services and requires demographic data collection. The data collection obligation would apply only to contracts and grants entered into on or after the effective date of the ordinance.

In seeking to collect information about clients' sexual orientation and gender identity, the covered departments, their contractors, and grantees would be required to: 1) advise clients that the provision of this information is voluntary and that no services will be denied to clients

who decline to provide it; 2) solicit this information using questions and approaches consistent with policies and procedures adopted by the Department of Public Health; and 3) advise clients that they will protect personally identifiable information regarding sexual orientation and gender identity from unauthorized disclosure, to the extent permitted by law.

By no later than July 1, 2017, the six covered departments would be required to submit to the City Administrator a Compliance Plan that demonstrates the steps they have taken to comply with the proposed law. The Compliance Plan would include, among other information required by the City Administrator, a description of the covered department's efforts to update any databases so that they are capable of securely storing sexual orientation and gender identity data, a description of the department's efforts to update any paper forms that are used to solicit demographic information, and a description of the department's efforts to train its staff, contractors and grantees in the requirements of the new law.

By no later than July 1, 2018, and every year thereafter, each covered department would be required to submit to the City Administrator a report that analyzes the data collected by the department, its contractors, and grantees, and identifies any direct services programs where the data demonstrate that lesbian, gay, bisexual and transgender (LGBT) individuals are underrepresented or underserved. The report would also include information about the steps the department intends to take increase program access to LGBT clients where they appear to be underserved.

Background Information

Research suggests that LGBT communities face disproportionately high rates of poverty, suicide, homelessness, isolation, substance abuse, food insecurity and violence. For example, according to a 2011 report issued by the Institute of Medicine (IOM), a division of the National Academies of Sciences, Engineering, and Medicine, the homeless youth population includes a disproportionate number of lesbian, gay, and bisexual youth. The IOM report also found that: rates of smoking, alcohol consumption, and substance abuse may be higher among lesbian, gay, and bisexual youth and adults than heterosexual youth and adults; LGBT youth report experiencing elevated levels of violence, victimization, and harassment; and, lesbians and bisexual women may use preventive health services less frequently than heterosexual women.

The six city Departments that would be affected by the proposed ordinance provide a broad array of critical direct services intended to connect San Franciscans to healthcare, employment, vocational training, temporary shelter, transitional housing, public assistance and counseling. In the course of providing these services, the covered departments and their contractors and grantees sometimes collect demographic information, including but not limited to information about the race, ethnicity and gender of the clients they serve.

By contrast, the collection of information about clients' sexual orientation and gender identity is less common and consistent. As a result, it is difficult to quantify the needs of the LGBT

population, to identify programs in which they are underrepresented or underserved, and to track improvement in access to services over time. For these reasons, a 2013 report prepared by the Institute for Multigenerational Health for the San Francisco LGBT Aging Policy Taskforce concluded that “[i]t is imperative that San Francisco include sexual orientation, sexual behavior, and gender identity questions in City sponsored aging and health surveys and other data collection tools. Such information is critically needed so that these communities are considered in planning and service development. A more complete understanding of the needs of San Francisco’s aging LGBT population will only be accomplished when sexual orientation and gender identity are in both aging and non-aging related City data-bases.”

In 2013, in recognition of the fact that gender identity is associated with differences in access to health care and health outcomes, the Department of Public Health adopted a policy and procedure entitled, “Sex and Gender Guidelines: Principles for Collecting, Coding, and Reporting Identity Data.” This Policy and Procedure adopts a set of guiding principles for the collection of gender identity data, and offers specific instructions relating to the questions that should be used to identify sex and gender. In 2014, the Department of Public Health adopted similar guidance relating to the collection of sexual orientation data. The proposed ordinance would require the covered departments, their contractors, and grantees to solicit information consistent with the guidance and instructions contained in these two policies.

The proposed ordinance would build on the Department of Public Health’s efforts by accelerating the collection and analysis of sexual orientation and gender identity data in order to evaluate how City agencies can better serve the needs of LGBT San Franciscans.

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