UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

THE STATE OF ALABAMA, *et al.*
 	
   Plaintiffs,
 	
v.
 	
UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,
 	
   Defendants.
	No. 3:21–cv–00211–RAH–ECM–KCN

DEFENDANTS' NOTICE

Earlier today, the Census Bureau's Data Stewardship Executive Policy Committee ("DSEP" or "the committee") announced that it "has selected the settings and parameters for the Disclosure Avoidance System (DAS) for the 2020 Census redistricting data." Ex. A, U.S. Census Bureau, "Census Bureau Sets Key Parameters to Protect Privacy in 2020 Census Results" (June 9, 2021) at 1, https://perma.cc/2NFL-D66A. "In making its decisions, DSEP gave significant consideration to the feedback [the Census Bureau] received from [its] data users who analyzed the April 2021 demonstration data." *Id.* at 2; *see also id.* at 2–3 (listing examples of changes made based on user feedback). "After reviewing feedback from the data user community regarding the April 2021 demonstration data, the committee approved a revised algorithm that makes notable improvements in the accuracy of the population counts for places, Minor Civil Divisions, American Indian and Alaska Native tribal areas, and for race and ethnicity statistics, and ensures the accuracy of data necessary for redistricting and Voting Rights Act enforcement." *Id.* at 1.

Further, "[t]he approved DAS production settings reflect a total privacy-loss budget for the redistricting data product (represented by 'ε,' the Greek letter 'epsilon') of

ε=19.61." *Id.* at 1–2. "The chosen global privacy-loss budget of ε=19.61 is exponentially

higher than the ε=12.2 budget used in the April 2021 demonstration data" and thus "will

lead to *lower* noise infusion than that in the April 2021 demonstration data." *Id.* at 2 (em-

phasis added). And the "increased privacy-loss budget . . . was primarily allocated to the

total population and race by ethnicity queries at the block group level and above." *Id.*

The "Disclosure Avoidance team will use these parameters to prepare the

TopDown Algorithm for final system integration testing in anticipation of the DAS ap-

plication phase of [the Census Bureau's] data processing and related quality assurance

checks that will begin later this month." *Id.* at 2. "The data will be run and quality

checked multiple times prior to release, which are yet further steps in the process that

will culminate in the states receiving the final redistricting numbers by August 16." *Id.*

"In September, the Census Bureau anticipates releasing a final set of demonstra-

tion data that applies the privacy-loss budget and settings from today's decisions to the

2010 Census P.L. 94-171 redistricting data." *Id.* at 3. "The Census Bureau will also release

the DAS production code base. This is a benefit of this Census' algorithm-based system—

unlike the confidential swapping methods used in previous Censuses, the 2020 DAS al-

gorithm allows this level of transparency without risking the exposure of protected data."

Id. "Details of the settings and technical parameters for the 2020 DAS will be shared in

the coming weeks." *Id.*

DATED: June 9, 2021   Respectfully submitted,

                                       BRIAN M. BOYNTON
                                       Acting Assistant Attorney General

                                       ALEXANDER K. HAAS
                                       Director, Federal Programs Branch

                                       BRAD P. ROSENBERG
                                       Assistant Director, Federal Programs Branch

                                       /s/ Elliott M. Davis
                                       ZACHARY A. AVALLONE
                                       ELLIOTT M. DAVIS (N.Y. Reg. No. 4596755)
                                       JOHN ROBINSON
                                       Trial Attorneys
                                       Civil Division, Federal Programs Branch
                                       U.S. Department of Justice
                                       1100 L St. NW
                                       Washington, DC 20005
                                       Phone: (202) 514-4336
                                       E-mail: elliott.m.davis@usdoj.gov

                                       Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2021, I filed with the Court and served on opposing

counsel through the CM/ECF system the foregoing document.

DATED: June 9, 2021   /s/ Elliott M. Davis
                                             ELLIOTT M. DAVIS (NY Reg. No. 4596755)
                                             Trial Attorney
                                             Civil Division, Federal Programs Branch
                                             U.S. Department of Justice
                                             1100 L St. NW
                                             Phone: (202) 514-4336
                                             E-mail: elliott.m.davis@usdoj.gov

                                             Counsel for Defendants