



Written by [Michael Tennant](#) on January 13, 2022

Biden Administration Building Databases of Federal Employees With Religious Vaccine Exemptions

The Biden administration is preparing to create databases of federal employees who request religious exemptions from the president's vaccine mandate, which could easily lead to discrimination against those individuals.

The first agency to announce the plan to build such a data store is the Pretrial Services Agency (PSA) for the District of Columbia, a federal independent entity that oversees both defendants awaiting trial and parolees. However, Heritage Foundation legal fellow Sarah Parshall Perry — who, along with her coworker GianCarlo Canaparo, [broke the story](#) — told the [Washington Times](#) that “at least seven other federal agencies, including five Cabinet departments, are apparently setting up similar ‘personal religious information’ databases.” Perry and Canaparo believe the administration is testing the waters with the PSA announcement, which went unnoticed prior to the publication of their article.



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In its [proposal](#), the PSA says it intends to create the “Employee Religious Exception Request Information System.” It describes the database as follows:

This system of records maintains personal religious information collected in response to religious accommodation requests for religious exception from the federally mandated vaccination requirement in the context of a public health emergency or similar health and safety incident, such as a pandemic, epidemic, natural disaster or national or regional emergency; and/or any other lawful collection of employee information or data that is necessary to ensure a safe and healthy environment for individuals who are occupying PSA facilities, attending PSA-sponsored events, or otherwise engaged in official business on behalf of the Agency.

Although the “primary purpose” of the database is to collect religious-exemption data, the proposal adds that “PSA will use the information ... to determine the appropriate health and safety protocols for employees in the context of the federally mandated COVID-19 vaccination.” In other words, employees who obtain religious exemptions from the mandate may be treated differently from those who do not. Likely this means that unvaccinated employees will be segregated from their vaccinated coworkers and perhaps subjected to other restrictions.



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“While employers, employment agencies, or unions with 100 employees or more are prohibited under Title VII of the Civil Rights Act of 1964 from engaging in disparate treatment and from maintaining policies or practices that result in unjustified disparate impact based on religion, this administration doesn’t seem to have gotten the memo,” observed Perry and Canaparo.

The data collected in the PSA’s system will be quite extensive, notes the agency:

The employee religious exception request information and records may contain some or all of the following records: Religious accommodation requests, including Request for a Religious Exception to the COVID-19 Vaccination Requirement form, notes, religious affiliation, or records made during consideration of requests, and decisions on requests. These records may contain general personal data, including but not limited to the employee’s, detailee’s, contractor’s, consultant’s, intern’s, applicant’s or volunteer’s name, date of birth, religion, alias, home address, telephone number, age, and email address, telephone number, job title, email address, work address, and program office to which the employee is assigned.

While there is “some data collection that is likely and legally permissible under Title VII, when an individual at a covered agency requests a religious accommodation,” Perry told the *Times*, “we have not seen it on a broad scale like this ever.”

Furthermore, although the PSA claims the data will be stored on a “secure network or cloud-based software,” the government’s less-than-stellar record of preventing data breaches does not inspire confidence that the data will remain confidential.

In addition, among the variety of ways in which the religious-exemption data may be disclosed, the PSA may use it to produce reports, the proposal explains, warning: “While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.” That is, the PSA can out someone as a vaccine dissident — and a religious one at that — without technically breaking any laws simply by how it chooses to structure its studies.

“Biden may not be winning points for transparency,” wrote Perry and Canaparo, “but he’s doing his best to win first place in subjecting Americans with sincerely held religious beliefs to differential treatment.”





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