

Language Access in Digital Portals and Data Collection Systems

Improving Access for People with Limited English Proficiency (LEP) through Effective Digital Portals and Data Collection Systems



Image source: <https://data.gov>

CIVIL RIGHTS DIVISION
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This technical assistance document is designed to provide information and resources to the public in order to improve access for individuals with limited English proficiency and help advance efforts to comply with existing requirements under Title VI of the Civil Rights Act of 1964 and its implementing regulations. This document does not have the force and effect of law, bind the public, or impose new legal requirements.

Improving Access for People with Limited English Proficiency (LEP) through Effective Digital Portals and Data Collection Systems

Federal, state, and local governments; educational institutions; healthcare, housing, transportation providers, emergency service agencies, and all other recipients of federal financial assistance (entities) are required to take reasonable steps to ensure meaningful access to programs and activities for people with limited English proficiency (LEP).¹

This technical assistance document explains how collecting and monitoring language data can enhance an entity's efforts to ensure meaningful access. It provides effective strategies to capture language data on public-facing websites and digital portals and methods for recording, tracking, and analyzing language data to help determine whether an entity is meeting the meaningful access mandate.

A. Why Collect Language Data?

Collecting, recording, and tracking language data (e.g., language spoken or written, communication assistance needs, and the services provided) is critically important to ensuring continuity and meaningful access. Doing so enhances service delivery, quality of care, safety, and community outreach efforts.

Among other reasons, obtaining language data helps entities:

- Determine resource availability, resources utilized, and future cost;
- Identify language access barriers and take steps to eliminate disparities;
- Determine language resource needs, including hiring multilingual staff;
- Identify gaps in services and underserved or emerging populations;
- Impact the procurement process for language assistance services (interpretation and translation services);
- Identify the languages needed for digital content and document translation;
- Ensure the consistent delivery of language assistance services throughout a customer's experience and reduce service delivery errors;
- Monitor and assess the effectiveness of language assistance measures and update language access policies, implementation plans, and procedures.²

¹ Under Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d](#), *et seq.* (Title VI) and its implementing regulations, recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency. See [28 CFR 42.104\(b\)\(2\)](#). [Executive Order 13166](#), reprinted at [65 FR 50121](#) (August 16, 2000), directs each Federal agency that extends assistance subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. [Executive Order 13166](#) further directs that all such guidance documents be consistent with the compliance standards and framework detailed in DOJ Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency." See [65 FR 50123](#) (August 16, 2000).

² See U.S. Department of Justice, Civil Rights Division, [Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs \(PDF\)](#), May 2011.

Additionally, federal agencies may require recipients of federal financial assistance to collect language data based on federal nondiscrimination laws or regulations.

B. Tips for Collecting Language Data from the Public

Increasingly, the public uses entity digital portals (e.g., online application, registration, and certification systems) to apply for and access benefits and services and to provide or exchange information. The requirement for recipients of federal financial assistance to take reasonable steps to provide meaningful access means it is critical to consider how individuals with LEP will successfully communicate in these digital spaces. Entities are encouraged to have data entry fields in digital portals where visitors can easily identify their language needs, spoken and written, and request language assistance services from that entity. The most effective placement of these language data fields is at the beginning of a digital portal where it requires a name or contact information.

Collecting Data Example: State of Georgia, Gateway Web Application

The Georgia Department of Human Services approved the use of this image.

The following content in the table allows user enter Information About You.

*First Name	*Last Name	Preferred Language	If an interview is required will you need an interpreter?	Driver's License/State ID Number	Issuing State	Expiration Date
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select option to choo <input type="text"/>	<input type="text"/>

Useful language data fields for the public to complete in digital portals can include the following:

- In which language do you communicate? (For example, the U.S. Web Design System adds a drop-down box with 20 of the languages frequently encountered in the entity's service area and lists in descending order the most encountered language first, followed by a fillable field for "other languages."³ For such drop-down boxes, each language listed should be written in the appropriate non-English text.).

³ Additional types of auxiliary aids or services necessary to communicate with people with LEP who have communication disabilities (hearing, visual and speech disabilities) include sign language interpreters, oral interpreters, cued speech interpreters, tactile interpreters, Computer Assisted real-time Transcription (CART) services, qualified readers, audio recordings, Braille materials and displays, large print materials, and accessible electronic and information technology. Entities are encouraged to list these auxiliary aids or services as well.

- Do you need an interpreter to speak with us? (yes/no)
- Do you have difficulty reading and writing in English? (yes/no)
- Do you need digital or print information in your language? (yes/no)

Not all people with LEP have regular access to the internet, a computer, or a mobile device or are literate in their spoken language. Some people with LEP may also have a disability that interferes with their access to or use of a website or digital portal. Entities are encouraged to provide alternative methods for collecting data from individuals with LEP or disabilities.

C. Language Data in Management Information Systems

By adding language data fields in case management, certification, and other types of management information systems (MIS), entities can obtain the information they need to assess whether they are providing meaningful access. Making language data fields mandatory for all personnel can ensure the consistent collection of this information. Through MIS, entities can track when language assistance services were needed, for which languages, and the language assistance services provided in each instance to ensure that personnel employ sufficient and timely resources to assist each person with LEP. This MIS data can enhance an entity's ability to evaluate the effectiveness of its language access policy, plan, and procedure and document compliance.

MIS systems could, for example, have personnel complete language data fields that include:

- Did personnel offer the person with LEP free language assistance services? (yes/no)
- Did the person with LEP accept the offer of free language assistance services? (yes/no)
- What type of language assistance service was provided (select one or more)?
Incorporate a drop-down box, possibly with the following options:
 - Qualified Bilingual Worker
 - Qualified Staff Interpreter⁴
 - Qualified Contract Interpreter
 - Remote Interpreter Service (Telephone or Video)
 - Qualified Community Partner
 - Informal Interpreter, Family or Friend (not a child)⁵

⁴ An interpreter is someone who demonstrates proficiency in and ability to communicate information accurately in both English and the target language and identifies and employs the appropriate mode of interpreting, as well as understands and adheres to their role as interpreters. Competency to provide interpretation services requires more than self-identification as bilingual. It is important that an interpreter is competent to provide interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue. See DOJ Policy Guidance, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." [67 FR 41455](#), 41461-63, (June 18, 2002).

⁵ A minor child should not be utilized as an interpreter to facilitate communication except as a temporary measure while finding a qualified interpreter in an emergency or exigent situation involving an imminent threat to the safety or welfare of an individual or the public and the qualified interpreter that arrives confirms or supplements the communications with the minor child. *Id.* at [67 FR 41455](#), 41467-68.

- Other (Specify in a fillable field)
- Unable to provide service (Specify reason in a fillable field.) ALERT SUPERVISOR

- Did the person with LEP prefer to use an adult family member or a friend as an interpreter? (yes/no)

- If yes, did the person with LEP sign a waiver of free language assistance services? (yes/no)

- If yes, was a written or sight translation of the waiver provided prior to obtaining the with signature of the person with LEP? (yes/no)

- Did staff provide translated documents/materials? (yes/no)

MIS Example: State of Alabama, Food Assistance Division

The Alabama Department of Human Resources approved the use of this image.

Member Info Striker Boarder Student Voluntary Quit/E&T **LEP/Disability**

Limited English Proficiency

1. Does the Applicant/Client/AR/Companion require communication assistance because they have Limited English Proficiency? Yes No

2. What is the Primary Language Spoken?

3. Was the Applicant/Client/AR/Companion offered free communication assistance? Yes No

4. Was the offer accepted? Yes No

5. Language assistance provided: (select all that apply)

- a. Qualified language line interpreter, contracted interpreter vendor
- b. Unqualified, informal interpreter, volunteer, family or friend (no children)
- c. Translated documents/materials
- d. Other (Specify)

6. Name of person/organization that provided service:

Disability

1. Does the Applicant/Client/AR/Companion have a disability that requires a modification in procedures or auxiliary aids and services (accommodations)? Yes No

2. Was the Applicant/Client/AR/Companion offered free accommodations? Yes No

3. Was the offer accepted? Yes No

4. Modification provided: (select all that apply)

- a. Telephone interview
- b. Assistance completing application
- c. Use of Authorized Representative (AR)
- d. Information in large print
- e. Information in accessible electronic form (by email or for use with computer screen-reading program)
- f. Assistive listening devices/Relay Service/TTY
- g. Qualified language line interpreter, contracted interpreter vendor
- h. Unqualified, informal interpreter, volunteer, family or friend (no children)
- i. Other (Specify)

5. Name of person/organization that provided service:

D. Access to Public-Facing Websites and Portals

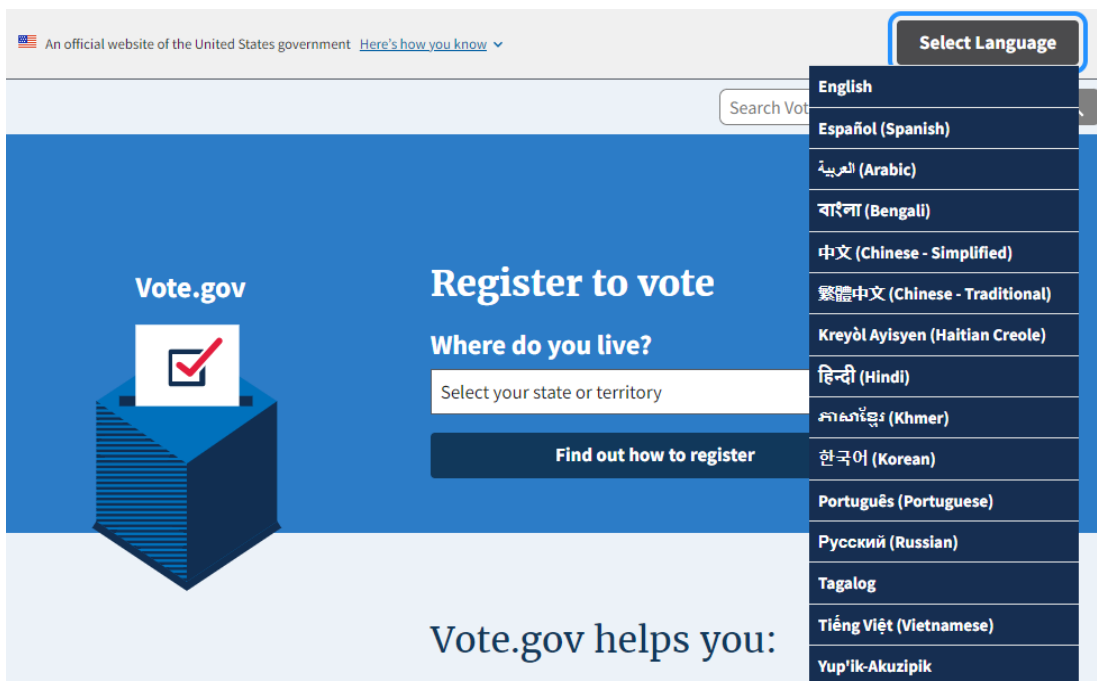
Consistent with Title VI and Executive Order 13166, recipients of federal financial assistance and federal agencies must take reasonable steps to ensure that their public-facing websites and portals provide meaningful access to persons with LEP. (See [Improving Access to Public](#)

[Websites and Digital Services for LEP Persons \(PDF\)](#)). Relying on machine translation or other automated translation services to create multilingual digital content, without first having that content checked for accuracy by a competent human translator, will likely lead to inaccurate or incorrect information and cause confusion for persons with LEP.

Even if an entity takes steps to ensure the accurate translation of multilingual digital content with human translators, they can improve access to public websites and digital portals for persons with LEP by incorporating additional features including:

- An easy-to-find language selector with a list of all available languages on the upper right corner of the website or digital portal. See [U.S. Web Design System](#).
- An image that displays the available languages or a widely recognized icon like a globe. (Do not use country flags because they do not clearly identify a specific language.)
- Display the language options in a language selector dropdown menu in both English and in the text of each non-English language.
- If links on a public website or portal leads to content that is only in English, provide a translated indicator or notice that informs the non-English user that the link goes to a page or document that is written only in English.
- Present translated content as text, not an image, so it can be found by search engines.
- Ensure vital content and documents on the main page and other key pages includes the contact information for the entity's current language access coordinator or equivalent who can help a person with LEP obtain language assistance services or file a complaint.

Public Website Example: U.S. General Services Administration, Vote.gov



To ensure more people with LEP can find and use public websites and digital portals, an entity may take the following additional steps to enhance access:

- In a prominent location on websites and digital portals, place a multilingual tagline notice informing LEP persons of the availability of free language assistance services and how to request them. Taglines are short statements written in English and non-English languages that indicate competent language assistance services are available free of charge.

The [LEP.gov Translation page](#) includes the following translated tagline examples:

- U.S. Department of Agriculture, [Language Assistance Taglines](#)
- U.S. Department of Labor, [Sample Taglines](#)
- U.S. Department of Health and Human Services, [Translated Resource for Covered Entities](#)

- If people with LEP are directed to call a number, ensure the audio prompts in the voice menu for that number are available in English and in frequently encountered non-English languages early within the recorded message.
- If a public website or portal directs a person with LEP to send an email, ensure that the email mailbox is monitored and those responsible for monitoring that inbox know how to request translations of non-English emails and how to provide prompt responses.

Additional Resources

- ▶ [“Impacts of a User’s Cultural Background on Interaction with Digital Platforms”](#) by Sophia Chen, a former intern at the Federal Coordination and Compliance Section of the Civil Rights Division at the U.S. Department of Justice (DOJ), describes the importance of considering a user’s cultural background when assessing the usability of websites.
- ▶ DOJ, [Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons \(PDF\)](#).
- ▶ Agency for Healthcare Research and Quality (AHRQ): [Race, Ethnicity, and Language Data: Standardization for Health Care Quality Improvement](#).
- ▶ Duong, Linh M et al. [“Evaluation of primary/preferred language data collection.”](#) *Journal of registry management* vol. 39,3 (2012): 121-32.
- ▶ CLEAR Global, [Language-related questions for new and ongoing surveys](#).