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Topic (iii): Applications (including practical implementation of SDC methods, actual issues within NSIs and software)

**APPLYING THE EC REGULATIONS ABOUT THE DISSEMINATION OF
UNIDENTIFIED INDIVIDUAL DATA FOR SCIENTIFIC PURPOSES IN AN NSI**

Supporting Paper

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Applying the EC Regulations about the Dissemination of Unidentified Individual Data for Scientific Purposes in an NSI

During the last few years there is a growing interest by the research community on providing access to unidentified individual data. EU regulations and the Law on Statistics of the Republic of Bulgaria allow confidential statistical data dissemination for scientific purposes at definite conditions.

1. Legislation and legal basis

The Law on Statistics guarantees statistical confidentiality. It contains a special Chapter 6, entitled “Protection of Secrecy”, in which data protection principles are laid down. According the amendments in 2005, confidential data could be provided for the purposes of the scientific work to the higher schools or to legal persons, the main activity of which are the scientific studies. There are some obligations to be carried out by the users in order to obtain micro data:

- To create the conditions, as stipulated by normative provisions for data protection;
- All persons, who will be acquainted with these data, sign a sworn declaration for protection of statistical secrecy;
- The data should be transmitted in a form, which does not allow direct or indirect identification of the person they refer to.

There are Rules on Dissemination of unidentified individual data for scientific purposes. The Rules are prepared in accordance with the Law on Statistics as well as the EU regulations relevant to statistical confidentiality (incl. Commission Regulation № 1000/2007). According the Rules, access to non-identified individual data could be provided for scientific and research purposes to users with a proven name in the field of science and scientific studies. These users should fulfill conditions defined by NSI, in order to receive an access to data. Data

is transmitted after data acceptance–transmission protocols and sworn declarations for protection of the principles of statistical secrecy are signed.

2. Institutional organization

A Council for Data Protection was established as a body with specified functions and tasks on data protection, laid down in NSI Rules. The NSI's President chairs the Council, while its members are the directors and leading experts in the field of statistical data protection.

The NSI's personnel, when being nominated to a given work position signs a sworn declaration on confidentiality. The confidential data access is limited only to the personnel that work directly with the data in carrying out its everyday official engagements.

Punishments relevant to the offences of statistical confidentiality are legally envisaged.

3. Rules and procedures

In the Rules on Dissemination of unidentified individual data for scientific purposes are described:

- Information about the agencies, organizations and institutions, who may apply for access to confidential data for scientific purposes;
- Statistical surveys, the result of which may be provided for the purposes of the scientific work;
- Procedures for admissibility request;
- Criteria and principles concerning the request for admissibility decision:
 - the primary purpose of the organization,
 - the organisational arrangements for research in the organization,
 - the safeguards in place in the organization,
 - the arrangements for dissemination of the results of research.

A questionnaire for admissibility request is included in the Rules as annex.

The applicant has to fill in the questionnaire with information concerning:

- Identification, legal status and main purpose of the organization;

- Organizational and financial arrangements for research within the organization;
- Safeguards in place – obligations assumed by the applicant concerning data protection by the personnel, who will deal with confidential data;
- Policy on dissemination of the research results of the organization.

In addition, the following documents are required: legal act creating the organization, list of the Board of Directors, organization chart, the staff members who are responsible for the research department and other additional information if it is needed.

The members of Council for Data Protection discuss the filled in questionnaire and enclosed documents and concede or refuse an access to confidential data.

4. Restriction on unidentified data providing

The restrictions on individual data providing are described in the Rules on dissemination of unidentified individual data for scientific purposes:

- Unidentified individual data, which summarize the information on less than three persons (units) or in which the relative share of a person (unit) is over 85% of the total volume will not be provided;
- Unidentified individual data, which can be combined in a way leading to the identification of a given person (unit) will not be provided.

The main principles, laid down in the legal documents are in compliance with the EU legislation. The concepts of statistical confidentiality, prohibition to disseminate individual and personal data are defined as well as aggregated data, which refer to groupings of less than 3 units or when one of the grouped units has more than 85% relative share in the group. The Rules on work and dissemination of confidential data are amended and improved according to the last amendments to the Law on Statistics.