

Guidance on Statistical Legislation

Data exchange



What is the Guidance about?

Background

STATISTICS



- In 2016, the Conference of European Statisticians (CES) endorsed the **Generic Law on Official Statistics**
 - Requested by Eastern Europe, Caucasus and Central Asia in 2014
 - Developed by UNECE, Eurostat, EFTA and UNSD with countries
 - A voluntary model statistical law tailored to the sub-region
 - Builds on the Fundamental Principles of Official Statistics
 - Developed also under the CES at the request of Eastern Europe (first endorsed in 1991)
- The Conference asked UNECE to form a Task Force to extend the guidance to all CES countries and beyond
 - Countries may use the guidance when reviewing their statistical law
 - Now electronic consultation for discussion in the CES in June 2018
- Our Task Force collaborated with the group on issues related to data exchange

SWOT analysis of current laws

Many links to data exchange

STATISTICS



STRENGTHS

- ✓ Strict confidentiality
- ✓ Well-defined producers' rights and responsibilities
- ✓ Professional independence
- ✓ High professional ethics
- ✓ Strong user representation
- ✓ Strong mandate for data collection
- ✓ NSO's coordination role
- ✓ Statistical programmes
- ✓ International statistical community

WEAKNESSES

- ✓ Access to admin and private data
- ✓ Contract status of Chief Statistician
- ✓ NSO's position in the government
- ✓ Limited influence on resources
- ✓ Official statistics not well-defined
- ✓ Inconsistent dissemination practices
- ✓ Researcher service model
- ✓ Borders of statistical systems
- ✓ Systematic quality management
- ✓ Investment in IT and skills
- ✓ Impact of other legislation

SWOT

OPPORTUNITIES

- ✓ Increasing demand for statistics and analysis
- ✓ Integration of new data sources
- ✓ Global and national data sharing
- ✓ New technologies
- ✓ Public-private partnerships
- ✓ Collaboration with scientific research
- ✓ Flexibility of legislation
- ✓ Income from statistical services

THREATS

- ✓ Poor access to data, high response burden and costs of data collection
- ✓ Privacy and confidentiality concerns
- ✓ Tightening budgets
- ✓ Increasing competition from the information industry
- ✓ More need for coordination
- ✓ New demanding data needs
- ✓ Maintaining public trust
- ✓ IT resources and security
- ✓ Staff resources

Contents relevant for data exchange

Background

STATISTICS



- Issues related to data exchange in the Guidance:
 - Main principles of official statistics
 - Definitions of the statistical law
 - Relations within the National Statistical System (NSS)
 - Mandate for data collection and access to data sources
 - Relations with respondents
 - Statistical confidentiality
 - Secure processing
 - Quality assurance
 - International cooperation
 - Relationship of statistical and other legislation
- Chapter 7 on emerging issues related to legislation:
 - Open data, linked open data and official statistics
 - Data exchange among producers of official statistics
 - Collaboration with Central Banks
 - (Statistical offices and government data management)

Main principles

Data exchange



STATISTICS

- Professional independence (2.1 a):
 - “Producers of official statistics shall decide, independently ..., on the development, production and dissemination of statistics, including **the selection of data sources, concepts, definitions, methods and classifications ...**”
- Coherence and comparability (2.1 d):
 - “Statistics are consistent **internationally** and comparable over time and **across regions and countries**”
- Statistical confidentiality and use for statistical purposes (2.1 f):
 - “Individual data collected or obtained by producers of official statistics that refer to natural or legal persons **are to be strictly confidential, used exclusively for statistical purposes and accessed solely by those authorized to do so** under the statistical law.”
- Cost-effectiveness (2.1 h):
 - “The **best possible use of all available resources** for achieving the outcomes.”

Definitions

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- Use for statistical purposes (2.2 a):
 - “The **exclusive use of data** for the development, production and dissemination of **official statistics, quality improvement, statistical analyses** and statistical services...”
- Statistical survey (2.2 b)
- Administrative data (2.2 c)
- Statistical unit (2.2 d)
- Individual data (2.2 e)
- Identifier (2.2 f)
- Metadata (2.2 k)

Relations within the NSS

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- Professional independence of all producers of official statistics is a prerequisite for the exchange of confidential data:
 - “Producers of official statistics shall be **professionally independent entities with exclusive or primary activities** related to the development, production and dissemination of official statistics.” (3.7)
- Designating other producers of official statistics:
 - “**The Chief Statistician shall decide on the inclusion of producers in the NSS based on defined criteria**”, including “demonstrated capability and willingness to comply with the statistical law and the principles of official statistics.” (5.3)
- “Obligation” to exchange data within NSS:
 - “**Producers of official statistics shall exchange data and metadata** within the NSS for statistical purposes to avoid any duplication of data collection and improve the quality of official statistics.” (6.4)
 - “NSO and other producers of official statistics **are entitled to exchange individual data, including identifiers, exclusively for statistical purposes in their respective area of competence...** (7.8)”

Data collection and access to data

Data exchange



STATISTICS

- Access to all data, public and private:
 - “Producers of official statistics shall be entitled to **access and collect data from all public and private data sources free of charge, including identifiers, at the level of detail necessary for statistical purposes.** Producers of official statistics shall be committed to limiting response burden and reusing data by considering data sources that already exist...” (6.1)
- Obligation to provide administrative data:
 - “**Administrative data providers are obliged to provide** producers of official statistics, **free of charge**, with data in their possession, **including identifiers, at the level of detail** necessary for the production of official statistics and with the **metadata**... The administrative data providers **shall maintain the continuity** of the supply of administrative data to the extent possible.” (6.9)
- Obligation to consult regarding changes to administrative data:
 - “If the providers of administrative data **plan to develop a new data collection or carry out a major revision** in their data collection or processing in a way that may significantly affect data provided for official statistics, **they shall consult** the NSO or the other producers of official statistics, in advance of the decision” (6.10)

Relations with respondents

Data exchange



STATISTICS

- Producers' responsibilities towards respondents:
 - “Data collection shall be designed with due **consideration to quality of statistics, costs of data provision and response burden.**” (6.2)
 - “**Respondents shall be informed** about the purpose and scope of statistical surveys and their legal basis, as well as about the uses of the data, measures to ensure confidentiality of data, and possible obligation to provide data.” (6.5)
 - “Producers of official statistics shall **seek feedback from respondents** to improve the quality of data collection and respondent services.” (8.2)
- Producers' rights:
 - “Producers of official statistics shall **be provided the necessary information and access** to approach respondents. Producers of official statistics are **entitled to follow up** with respondents if no reply is received by the deadline, or if inconsistencies or gaps are detected.” (6.8)
- Respondents' responsibilities:
 - “Information provided in a statistical survey **shall be truthful** and submitted **within the required time-frame**, in the **required format and free of charge.**” (6.7)
 - **Infringements** for failure to provide data (12.2) or the arbitrary conduct of respondent (12.3)

Statistical confidentiality

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STATISTICS

- Confidentiality and exemptions from it:
 - “Individual **data subject to confidentiality** are those that allow natural or legal persons to be identified, either directly or indirectly...” (7.1)
 - “Statistics, which may make it possible to identify a statistical unit, may be disseminated only if the statistical unit has unambiguously **given its consent to the disclosure** of data...” (7.2)
- Protection of individual data collected for statistics:
 - “Individual **data obtained exclusively for statistical purposes shall not be used for any** investigation, surveillance, legal proceedings, administrative decision making or other similar handling of matters concerning a natural or a legal person by any authorities or international organizations. (7.3)
 - “Each producer of official statistics **shall protect confidential data in such a way that the statistical unit cannot be identified, either directly or indirectly**, when account is taken of all relevant means that might reasonably be used by a third party.” (7.3 continued)
 - “Each producer of official statistics **shall protect individual data, confidential aggregates and statistics prior to their release and take all necessary regulatory, administrative, technical and organizational measures to prevent access by unauthorized persons.**” (7.4)
 - “Violations of the confidentiality provisions of the statistical law **shall be prosecuted** as regulated in...” (12.1)

Secure processing

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STATISTICS

- All data obtained for statistical purposes are treated the same way, unless exemptions are regulated:
 - “Irrespective of the data collection methods and sources, **data obtained by producers of official statistics for statistical purposes** are in their possession and shall be processed, stored and disseminated **in full compliance with the provisions of the statistical law.**” (6.3)
- Statistical authorities can use and store identifiers:
 - “Producers of official statistics **may process and store individual data with identifiers** for the time necessary for statistical purposes.” (7.5)
- Confidentiality commitment applies automatically:
 - “**A confidentiality commitment shall apply** upon taking up functions in official statistics to all regular and temporary staff and any other persons who are authorized to access data subject to statistical confidentiality. The commitment remains binding...” (7.10)

Quality assurance

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STATISTICS



- Right to link data sets and match individual data:
 - “To improve the quality of official statistics, producers of official statistics shall be **entitled to edit and validate data, combine data from different sources, carry out record linking and matching of individual data exclusively for statistical purposes** and use statistical estimation techniques to fill gaps.”
(8.1)

International cooperation

Data exchange



STATISTICS

- NSO coordinates any international transmission of official statistics:
 - **“NSO shall coordinate the transmission** of official statistics to international organizations and authorities of foreign countries observing legislative requirements.” (11.2)
- International exchange of confidential data among producers of official statistics can be allowed:
 - **“NSO with other producers of official statistics, as relevant, may enable the voluntary exchange of individual data exclusively for statistical purposes** in the area of competence of the receiving producer of official statistics of a foreign country.” (11.3)
 - **“NSO shall ensure that the recipient has the necessary legal framework** in place for the full protection of confidential data.” (11.3)
 - **“Each such transmission must be authorized by the Chief Statisticians** of the involved producers and the conditions **be documented in a mutually signed agreement.**” (11.3)
 - **“Such agreements do not diminish the responsibility** of the producer of official statistics to ensure the confidentiality of the data they exchange. A list of all such transmissions shall be made publicly available on request.” (11.3)

Relationship to other legislation

Data exchange



STATISTICS

- Statistical law will apply over other legislation for statistical production:
 - “Any **other legal act** making reference to official statistics **shall be adapted** to comply with the statistical law.” (13.1)
 - “In case of conflicting legislation, **the statistical law... shall apply**” (13.1)
- Statistics may be exempted from other legal acts regarding access to data and data protection:
 - “Statistical law... may provide for **derogations from the prohibitions referred to in other legal acts which set out provisions for access to individual data** in so far as such obligations [prohibitions] are likely to render impossible or seriously impair production of official statistics...” (13.3)

(EC) 223/2009 on European statistics

Data exchange



STATISTICS

- “It is important to ensure close cooperation and appropriate coordination between the ESS and the ESCB, notably to foster the exchange of confidential data between the two systems for statistical purposes”.
- Article 21: transmission of confidential data between statistical authorities in the ESS and with Central Banks:
 - “...**may take place** provided that this transmission is **necessary** for the efficient development, production and dissemination of European statistics or for increasing the quality of European statistics”.
 - “**National rules on statistical confidentiality shall not be invoked** to prevent the transmission of confidential data”
 - “Confidential data transmitted in accordance with this Article shall be **used exclusively for statistical purposes and only accessible** to staff working in statistical activities within their specific domain of work.”
- Article 25: Data from public sources:
 - “Data obtained from sources **lawfully available to the public and which remain available to the public according to national legislation shall not be considered confidential** for the purpose of dissemination of statistics obtained from those data.”



Thank you!

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