

UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE

CONFERENCE OF EUROPEAN STATISTICIANS

Expert Meeting on Modernizing Statistical Legislation

3 and 5 November 2020, Geneva (virtual)

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17 September 2020

CONCEPT NOTE

The UNECE Expert Meeting on Modernizing Statistical Legislation will take place as a virtual meeting on Tuesday, 3 November and Thursday, 5 November 2020. Meeting sessions will start each day at 13:00 CET/Geneva time and last for three hours.

Meeting documents will be available at the UNECE website:

<http://www.unece.org/index.php?id=53890>

I. Background

Improving the governance of statistical production and the legal framework is fundamental to producing high-quality statistics and a priority for many countries. The Conference of European Statisticians (CES) has been supporting its members in this area by developing and endorsing the Generic Law on Official Statistics (2016) and the Guidance on Modernizing Statistical Legislation (2019). Aligning with the United Nations Fundamental Principles of Official Statistics, the documents provide guidance for countries to develop the statistical legislation needed to support the modernization of statistical systems, and to unleash the full value of official statistics. When endorsing the Guidance on Modernizing Statistical Legislation, the Conference agreed that regular meetings of legal and managerial experts should be organized to continue the work on this topic.

The present meeting will be the first UNECE Expert Meeting on Modernizing Statistical Legislation. The target audience are experts from national statistical offices and international organizations interested in strengthening the legal framework of official statistics and the legal aspects of data access, use and exchange from a legal perspective. The Expert Meeting is open to all countries and international organizations.

The Expert Meeting is organized by a committee consisting of the United Kingdom (chair), Albania, Armenia, Latvia, Poland, Eurostat, the Organisation for Economic Cooperation and Development (OECD), the United Nations Statistics Division (UNSD) and the United Nations Economic Commission for Europe (UNECE).

II. Format

Due to the travel restrictions related to COVID-19, the first UNECE Expert Meeting on Modernizing Statistical Legislation will take place as a virtual meeting. It will consist of two sessions held on Tuesday, 3 November and Thursday, 5 November 2020.

The sessions will include presentations from representatives of countries, international organizations and academia, and discussions. Participants will have the opportunity to raise questions and actively

participate in the discussion. Each session will be concluded by its chair with a summary of the main outcomes.

III. Objectives

The objectives of the Expert Meeting are to:

- Provide a platform for national and international experts to share experience and best practices in the modernization of legal and institutional frameworks of official statistics;
- Discuss emerging issues posing legal challenges to national statistical systems;
- Gather information about the use of *CES Guidance on Modernizing Statistical Legislation* and the *Generic Law on Official Statistics* in reviewing national statistical laws and other related legislation, and about emerging issues and good practices for future revisions;
- Identify what other supporting materials and practical guidance are needed to strengthen statistical legislation and implement it effectively.

IV. Sessions of the Expert Meeting

Session 1: The right to privacy and the right to live in an informed society

Session organizer: Latvia

Co-organizers: United Kingdom, Eurostat, UNSD

The right to privacy is a fundamental principle of human rights, enshrined in many legal acts, and widely accepted within the statistical community as an anchoring principle for lawful processing of individual data. The right to information about the economic, demographic, social and environmental situation is recognized in the UN Fundamental Principles of Official Statistics adopted as a resolution of the General Assembly in 2014. Still, it is not explicitly enshrined in fundamental legal acts. Nevertheless, every person expects that the decisions taken on their behalf by governments, affecting all aspects of their lives will be smart and beneficial for the common good. Therefore, as crucial as the right to privacy is the right to expect the necessary information to be available to the policymakers and all other actors of the economy and society. Moreover, the availability of such information is essential for individuals to exercise their freedom to receive information, research, learn, make their individual decisions or keep the government accountable.

The right to privacy and the right to live in an informed society production of official statistics are brought together in the production of official statistics. The need for information is ever-growing – not only in light of recent global pandemic but also in light of the emergence of non-traditional data sources and increasing demand for their utilization over the last decade. Consequently, the statistical community faces the challenge of finding the balance between the growing expectation of protecting individuals' right to privacy and the ever-growing need for data and information.

The session will:

- Explore the interconnectedness of the two concepts – the right to privacy and the right to live in an informed society – and find the place and role of official statistics within this setting.
- Identify any conflict of interests or even conflicts of law between statistical production needs and individuals' rights to privacy. What are the ethics of data sharing in the statistical

production context? Can it help to reinvent the notion of the legitimate expectations of privacy?

- Map the legal boundaries (requirements) for statistical production, considering the need to provide data for decision making and an increased focus on protecting privacy.

Session 2: Data access, use and exchange through a legal lens

Session organizer: United Kingdom

Co-organizers: Armenia, Eurostat, OECD

Data is “the fuel” of national statistical systems, enabling the production of official statistics which are used to inform decisions and drive policymaking. In a rapidly changing world, NSOs have been increasingly turning to administrative and non-traditional data sources to increase the coverage, efficiency and quality of the regular data production, meet new information needs and reduce response burden and the cost of statistical production.

When doing so, NSOs may often encounter issues in data access – prohibitive cost and legal obstacles. Even when access is authorized by law, a risk-averse culture can prevent access. Unique challenges, both legal and cultural, occur when trying to access data held privately across multiple jurisdictions.

Statistical confidentiality is a fundamental principle of official statistics and a key feature of all effective statistical laws. In practice, however, more safeguards (and a clear demonstration of necessity and public benefit) may be needed to gain the trust of both private and public entities so that they are willing to share their data. Recently an ethical dimension has also emerged, meaning that whilst even when an NSO has legal access, it should still consider whether accessing the data is the correct thing to do ethically.

In some countries, the situation has changed during the Covid-19 crisis which has put the national statistical systems under unprecedented pressure – both in terms of increased demand and reduced supply, with traditional data collection methods severely affected. Many NSOs gained access to previously unavailable sources, either through emergency laws granting more access rights, forming new or leveraging existing partnerships or by being able to demonstrate a clear need to inform key life and death decisions under these extraordinary circumstances. It is still uncertain to what extent these developments will be embedded in the regular data production or whether they will be rolled back while “returning to normal”.

The session will:

- Discuss how to create a culture in which people and organizations are willing to share private and public data with NSOs – what safeguards need to be in the legislative framework and beyond so that people are reassured that their data entrusted to the national statistical offices are protected.
- Provide an opportunity for producers of statistics, data providers and users of statistics to discuss different perspectives on data access and sharing under the Covid-19 pandemic and in the future.
- Share information on NSOs that have been using new data sources in response to the Covid-19 crisis.
- Explore if and how similar safeguards as in national legislative frameworks could be established at an international level.

The session will build on the past discussions under the Conference of European Statisticians, such as the 2019 seminar on “New data sources – accessibility and use”.

V. Further information

All documents, including the timetable, will be available at the meeting website: <http://www.unece.org/index.php?id=53890>. Registered participants will receive connection details to the virtual meeting nearer to the meeting dates.

VI. Contact

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