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Topic (iv): Access to Statistical Data for Scientific Purposes

Access to Statistical Data for Scientific Purposes

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Abstract: In Statistical office of Montenegro access to statistical data for scientific purpose is regulated by Article 58 of the Law of Official statistics 18/12. as in force, the Commission Regulation 831/ 2002 as regards the access to confidential data for scientific purposes, as amended by the Commission Regulation 1104/2006, as well as the best practices in the European Statistical System that are followed by EUROSTAT. Official statistics producers may provide, upon written request, individual statistical data, without identifiers, to scientific-research institutions for purpose of carrying out scientific and research activities as well as to international statistical organizations and statistics producers from other countries. Scientific and research organizations are: Montenegrin Academy of Sciences and Arts, scientific and research institutions of high education, and other legal and natural persons carrying out scientific and research activities in accordance with special law. The request must be clearly specify the purpose of statistical data use. Use of statistical data shall be set out in the Contract by which the user shall be committed under material and criminal liability, to use statistical data only for the purpose specified in the request and not to provide them for review and use to unauthorized persons and to destroy them after processing. Official statistics producers shall keep records on users and on purpose for which statistical data are provided for the use. Detail information about access to statistical data for scientific purpose is written in official Procedures of the use of personal data without identifier for scientific research purposes.

1. Introduction

The Statistical Office of Montenegro (MONSTAT) is an independent administration body. The statistical system of Montenegro is regulated by the **Law on Official Statistics and the Official Statistics System of Montenegro** (hereinafter referred to as “the Law”) **adopted on 30 March 2012** (Official Gazette of Montenegro 18/12).

The mission of the Statistical Office of Montenegro is to provide quantitative and representative information on the economic, demographic, social and environmental state in Montenegro for all users according to the internationally defined methodology and the highest professional standards. Data for the national needs and international dissemination are processed with minimal costs. Modern approach of management, professional training of staff, regular alignment with international standards, user

orientation, and modernisation of the process and improvement of working conditions are the most important activities which enable the Statistical Office of Montenegro to fulfil the mission.

Data for national purposes and international dissemination should be provided at minimum costs.

The Law on Official Statistics and Official Statistical System of Montenegro determines the professional independence of MONSTAT and of the other producers of official statistics in producing and disseminating official statistics. The confidentiality of information from data providers is a crucial element of any statistical system and MONSTAT clearly takes this responsibility seriously. There is comprehensive legislation in place to provide the framework for operating a secure system. Articles 54–60 of the Law provide the framework for the protection, use and transfer of confidential data. Article 58 of Law on Statistics set out the strict arrangements, under which external users might receive statistical micro-data for research purposes. Detail information about access to statistical data for scientific purpose is written in official *Procedures of the use of personal data without identifier for scientific research purposes*.

MONSTAT has produced two comprehensive Rulebooks covering procedures for, respectively, the protection of personal data and the keeping of individual records. All employers in MONSTAT have obligation to sign a legal confidentiality commitment, according to Article 59 of the Law.

2. Legal framework

Legal frameworks for providing individual data with no identifier are regulated by:

- Law on Official Statistics and the Official Statistics System of Montenegro.

Other secondary legislation acts are:

- Rulebook on Keeping Statistical Data (Official Gazette 47/12);
- Rulebook on Content, Manner of Keeping Records on Users of Individual Statistical Data (Official Gazette of Montenegro 53/12);

Internal act:

- Procedures of the use of personal data without identifier for scientific research purposes (in the adoption phase)

2.1 The Law on Official Statistics and the Official Statistics System of Montenegro

The Law on Official Statistics and the Official Statistics System of Montenegro prescribes the legal framework for production and dissemination of the official statistics, as well as the framework for organisation of the official statistical system of Montenegro. The Law is fully aligned with the Regulation (EC) No 223/2009. The mentioned Law defines competences and responsibilities of the producers of statistics, as well as the affairs of the competent authority; the Law reinforces the independence of statistics and the role of the Director of the Statistical Office who protects professional independence and credibility of the official statistics from political and other influences; the Law defines the role of the Statistical Office as the coordinator of the statistical system of Montenegro; the Law provides an enhanced access of the Statistical Office to all administrative data which may be used for statistical purposes, and strengthens the principle of statistical confidentiality and protection of individual data in comparison with the previous Law on Statistics and Statistical System of Montenegro (Official Gazette of Montenegro 69/05).

Article 58 - *Providing individual data with no identifier* of Law on Statistics set out the strict arrangements, under which external users might receive statistical micro-data for research purposes:

Official statistics producers may provide, upon written request, individual statistical data, without identifiers, to scientific-research institutions for purpose of carrying out scientific and research activities as well as to international statistical organizations and statistics producers from other countries. Scientific and research organizations referred to under paragraph 1 of this Article are Montenegrin Academy of Sciences and Arts, scientific and research institutions of high education, and other legal and natural persons carrying out scientific and research activities in accordance with special law. The request referred to under paragraph 1 of this Article must be clearly specify the purpose of statistical data use.

Use of statistical data referred to under paragraph 1 of this Article shall be set out in the contract by which the user shall be committed under material and criminal liability, to use statistical data only for the purpose specified in the request and not to provide them for review and use to unauthorized persons and to destroy them after processing.

Official statistics producers shall keep records on users referred to under paragraph 4 of this Article, and on purpose for which statistical data are provided for the use. Contents and manner of keeping the records referred to under paragraph 5 of this Article shall be stipulated by the Ministry.

2.2 Other secondary legislation act

Certain issues related to functioning of the official statistics system are regulated by special bylaws. Aiming at the realisation of the legislative framework on the functioning of the security system and statistical confidentiality, the competent bodies adopted the *Rulebook on Keeping Statistical Data*, regulating manner, time, technical conditions and organisation of keeping statistical data for the purpose of prevention of destruction, stealing and unauthorised use of these data, as well as the *Rulebook on Content and Manner of Keeping Records on Users of Individual Statistical Data* which defines the content and the manner of keeping records on users of individual statistical data.

2.3 Internal act

Procedures of the use of personal data without identifier for scientific research purposes describes in detail the conditions under which it could approve access to individual data without identifier.

In attachment of procedure there are all necessary documents (requirements, Confidentiality Agreement, contract, etc.). The procedure is currently at the stage of adoption by expert collegiate.

3. Access to Statistical Data for Scientific Purposes

Official statistics producers may provide, upon written request, individual statistical data, without identifiers, to scientific-research institutions for purpose of carrying out scientific and research activities as well as to international statistical organizations and statistics producers from other countries.

In accordance with Procedures of the use of personal data without identifier for scientific research purposes, above mentioned users are obliged to submit a request to MONSTAT, with clearly defined purpose of using statistical data with detail description of survey for which statistical data are going to be used (individual statistical data, without identifier), as well as with set of data to which access is needed and methods of analysing those data.

MONSTAT prepares Contract on the use of individual data without identifiers for scientific research purposes and defines method of data usage.

3.1 Request for access to individual statistical data without identifier

Request for access to individual statistical data without identifier, for scientific research purposes is submitted to MONSTAT in written form with clearly defined purpose of using statistical data. Request is considered by the Committee on statistical confidentiality, taking into account the risk of identification of

individual data, and then they suggests to the director making decision on acceptance or rejection of the application.

On the basis of the draft decision of the Committee, Director of MONSTAT makes the decision on acceptance / rejection of the application, within 15 days of receipt of a complete application.

3.2 Contract on the use of individual data without identifiers for scientific research purposes

Contract on the use of individual data without identifiers for scientific research purposes is signed after request accepted by MONSTAT. Statement of Confidentiality is an integral part of the contract which undertakes applicant to protect the confidentiality of the accessed data.

3.3 Using individual data without identifiers for scientific research purposes

Access to individual statistical data without identifiers for scientific research purposes, have researchers, whose names are mentioned by request and agreement on the use of individual statistical data. After completion of the use of individual data without identifiers for scientific research purposes, and not later than 60 days from the date of dissemination of survey results, the researcher is required to put at the disposal published results of survey, in which preparation requested data were used, to MONSTAT.

MONSTAT keeps records of scientific research institutions, international statistical organizations and producers of official statistics in other countries in accordance with the Regulations on content and manner of keeping records of users of individual statistical data ("Official Gazette of Montenegro", No. 53/12 of 24.10.2012).

References

“Law on Official Statistics and the Official Statistics System of Montenegro” (2012). Statistical office of Montenegro, Montenegro.