Access to privately held data - the Dutch experience

UNECE/EFTA Expert Meeting on Modernizing Statistical Legislation

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18 November 2021
Topics

- The Dutch statistical law and privately held data
- COVID-19 MNO data use - proposed emergency law
- Non-statistical example - dare to challenge
- UNSD activities on access to PHD (announcement)
The Dutch statistical law and privately held data

- Dutch Statistics Act (rev.2019)
  ❖ excellent provisions on access to administrative (government) data

- Decree on data acquisition (rev.2016)
  ❖ regulates business data that can be requested (mostly on operations, not on clients)

- Access to PHD (big data) currently mostly by mutual agreements

- Negotiations on extending decree to (selected) big data sets:
  ❖ Smart meters
  ❖ Financial transactions
  ❖ Public transport
  ❖ Mobile phones

- Responsible Ministry (Economic Affairs) requires justification
  ❖ Reporting burden on businesses and guarding privacy/trade secrets
  ❖ Statistical/societal needs as demonstrated by mandatory EU obligations
How do people move during a day?

2013-05-07 00:00:00

Level of detail proposed for COVID-19 analysis (origin-destination matrices)
COVID-19 MNO data use - emergency law needed

Use of telco data only possible with emergency law
COVID-19 MNO data use- OK, we create a law

Emergency law: Health institute may use anonymised telco data temporarily
COVID-19 MNO data use - concerns from public

Privacy First warns Parliament for emergency law

Privacy First waarschuwt Tweede Kamer voor telecom-noodwet

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Privacy First

elke keuze in een vrije omgeving

dinsdag, 09 juni 2020

Wetgeving
KPN refuses to provide telco data; resistance to emergency law grows
COVID-19 MNO data use - concerns from privacy authority

Autoriteit Persoonsgegevens benadrukt dat wijziging noodwet over delen telecomdata nodig is

Privacy authority emphasizes need to change emergency law
Legal situation is often not clear-cut

Non-statistical example

- Data on student travels used to detect fraud
  (higher scholarships for students living on their own, not with parents)
- Source: public transport data (‘OV-chipkaart’)
- Requested by government for suspected students
- Legal situation unclear

- Dare to challenge the law!
Use of OV-chipcard data for fraud detection: is it legal?
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Court of law: Illegal use of personal data

Newspaper: Fraud hunters check OV-data hundreds of times
Use of OV-chipcard data for fraud detection: is it legal?

Court of law: Illegal use of personal data

Appeal: Use of OV-data is allowed

Newspaper: Fraud hunters check OV-data hundreds of times
UNSD activities on access to PHD, announcement:

Joint Task Team on Global Facilitation of Access to Privately-held Data for Official Statistics of
The UN Committee of Experts on Big Data and Data Science for Official Statistics and
The UN Network of Economic Statisticians

Co-organize sprint sessions in January/February 2022
Focus: global value chains (online purchases)
Goal: building blocks for negotiation on data access
  • What is in it for businesses?
  • Data access models
  • Constraints and conditions

Interested candidate-participants welcome!