



Aikaterini Katsouraki,

Hellenic Statistical Authority

The statistical framework amid the wave of the EU data ecosystem rules - the way forward?

Workshop on Modernizing Statistical Legislation
Tirana, Albania
29-30 May 2024





Questions

1. Is it easy to navigate the EU data legislation landscape?
2. Are there risks for the effective implementation of the statistical legislation?
3. How can we address these risks?



Outline



The **Data Governance Act** and interaction with statistical law



The **Data Act** and the revision of Regulation **223/2009** on access to privately held data



The **European Health Data Space** and its impact on official statistics



Conclusions





The Data Governance Act and interaction with statistical law – the DGA

Regulation 2022/868 (DGA) → The aim of the Commission was to foster the availability of data for use (Explanatory Memorandum)

Reuse of public sector data subject to specific protection

- Transparency obligations, technical and organizational measures, fees, decision on the reuse request within 2 months, right to redress

New roles for data governance in the public sector

- Art. 7 Competent bodies
- Art. 8 Single Information Point
- Art. 29 European Data Innovation Board

Data altruism (Chapter IV)



The Data Governance Act and interaction with statistical law – Reg. 223/2009

Regulation 223/2009, as in force, includes provisions concerning availability of data held by statistical authorities, which are subject to statistical confidentiality.

Existing rules

Public use files / anonymised microdata – Art. 19

Access to confidential data (indirectly identifiable) for researchers – Art. 23

+ Revision

Further use of data held by private data holders - Art. 17e

+Code of Practice, 5.6,
15.4

Access to privately held data for researchers and broader scope of research - added wording to Art. 23



The Data Governance Act and interaction with statistical law – Scope of the DGA

❑ Provisions of the DGA / “without prejudice approach”

Art. 1 (2) of DGA: This Regulation is [without prejudice](#) to:

- ❑ Union or **national law** regarding the access to or re-use of certain categories of data, in particular with regard to the granting of access to and disclosure of official documents; and
- ❑ the obligations of public sector bodies under Union **or national law** to allow the re-use of data or to requirements related to processing of non-personal data.

Where sector-specific Union or **national law** requires public sector bodies, data intermediation services providers or recognised data altruism organisations to comply with specific additional technical, administrative or organisational requirements [...] those provisions of that sector-specific Union or national law [shall also apply](#).

No obligation to allow access for further use:
DGA + Reg.
223/2009

The Data Governance Act and interaction with statistical law - Reuse of public sector data



□ Provisions of the DGA / “without prejudice approach”




Art. 3 (3) of DGA: This Chapter is without prejudice to:

- a) Union and **national law** and international agreements to which the Union or Member States are party **on the protection of categories of data referred to in paragraph 1**; and
- b) Union and **national law** on access to documents

The Data Governance Act and interaction with statistical law - Reuse of public sector data



- ❑ Unless national law provides for specific safeguards on applicable confidentiality obligations relating to the reuse of data → application of the confidentiality obligation according to DGA – Art. 5 (5) of DGA
- ❑ Unless shorter time limits have been established in accordance with national law → within two months from the request – Art. 9 (1) of DGA
- ❑ **Specific reference to Regulation 223/2009 – Recital 3**

Greek Statistical Law 3832/2010 (Art. 7, 8)  + Regulation on the Statistical Obligations of the Agencies of the Hellenic Statistical System  Regulation on the Operation and Administration of the Hellenic Statistical Authority 

Issues:

- Time for response
- Review by an impartial body
- Pricing policy



The Data Governance Act and interaction with statistical law – New Roles

Competent bodies:

- Assistance and technical support
- Member States are free to assign these roles to any public sector body or a service within a body with the necessary technical knowledge
- Competent bodies for particular sectors
- The competent bodies may be empowered to grant access for the re-use

Single Information Point:

- Make all information about reuse available and easily accessible
- Receive requests for reuse and transmit
- A data asset list

Statistical authorities as competent bodies ([link](#))





The Data Governance Act and interaction with statistical law – New Roles

Regulation 223/2009

- Existing Article 5a (2)

Heads of National Statistical Institutes (NSIs):

Sole responsibility for processes and standards for the production of official statistics and quality guidelines

- New Article 26a:

NSIs may assume functions in national data governance

Condition → compatibility with statistical principles





The Data Governance Act and interaction with statistical law – Data Altruism

‘data altruism’ = the **voluntary** sharing of data on the basis of the **consent** of data subjects or permissions of data holders to allow the use of their non-personal data [...] for objectives of general interest as provided for in national law, where applicable, such as [...]

Facilitating the development, production and dissemination of official statistics





The Data Act & the amendment of Reg.223/2009 on access to privately held data

Data Act (Reg. 2023/2854)

- Public emergencies and exceptional situations
- Unless for public emergency, only access to non-personal data
- Without the specific data, impossible to perform a public task, after all means have been exhausted (purchase and legal provisions)
- Exclusion of micro and small enterprises
- Further use not possible

✓ **Compensation not obligatory in certain cases**

Article 16 (1): This Chapter **shall not affect** the obligations laid down in Union or **national law** for the purposes of reporting, complying with requests for access to information or demonstrating or verifying compliance with legal obligations.

Recital 67: without prejudice to the Union and national law providing for access to and the use of data for statistical purposes

Amendment of Reg. 223/2009

- Sustainable access (17b, 17c, 17e)
- Personal data, if specified in law
- Without prejudice to Data Act (17b)
- Governance Mechanism: request only through the NSI
- Micro and small enterprises are included
- Further use possible

Article 17b (1) : Without prejudice to the obligation for data holders to make data available on the basis of an exceptional need in accordance with Regulation (EU) 2023/2854

The European Health Data Space and its impact on official statistics

- ❑ Secondary use of data
- ❑ Statistical Authorities as data holders and data users
- ❑ [Without prejudice to](#) other Union legal acts regarding access to, sharing of or secondary use of electronic health data, or requirements related to the processing of data in relation to electronic health data, in particular Regulations [...]No 223/2009 - Art.1
- ❑ **BUT Art. 34** refers to official statistics as a secondary purpose
- ❑ No explicit reference to national statistical law as in other data laws
- ❑ The role of health data access body in data governance

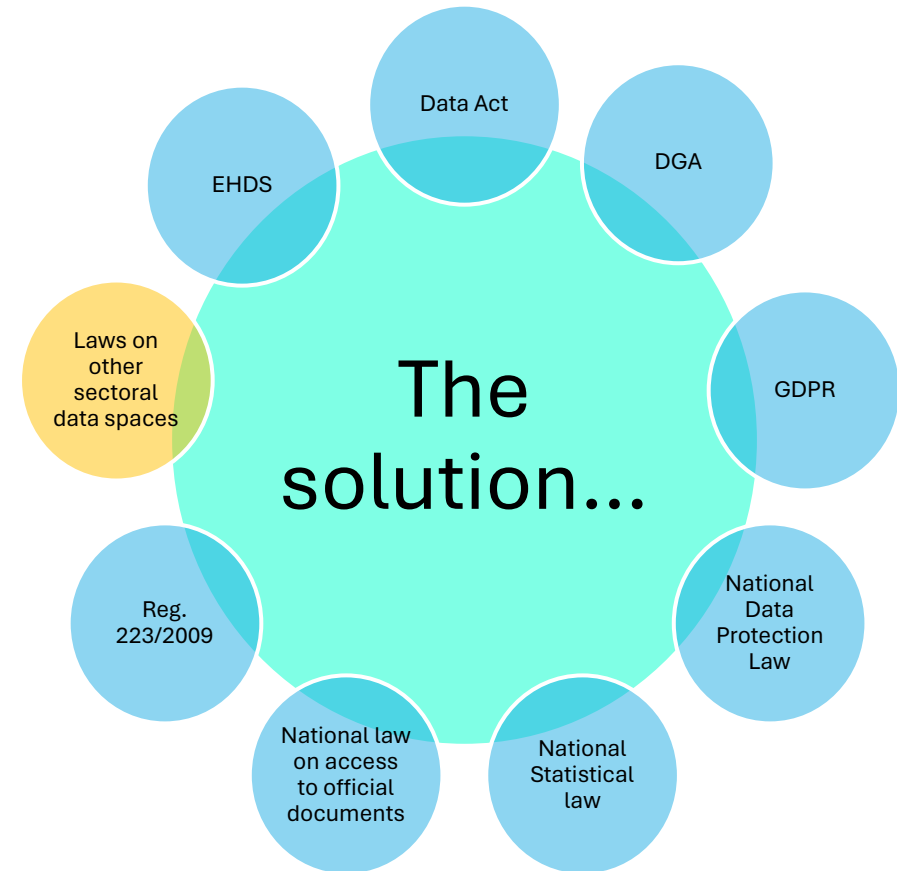




Conclusions



pxfuel





Conclusions

- ❑ Common goals: to unleash the potential of data for economy and society
- ❑ References to official statistics in all data laws – significant role
- ❑ Differences between their specific objectives
- ❑ ‘Without prejudice’ constitutes one solution - ensures the implementation of Regulation 223/2009 and national statistical law BUT to be effective, it requires corresponding provisions in EU or national statistical law
- ❑ Different approaches between Member States
- ❑ Options for the future: provisions in national data laws or references in the Preamble/ Expl. Memorandum, amendment of statistical law, consistent application of general interpretation rules – guidance
- ❑ Revised Reg. 223/2009: sectoral data governance framework on official statistics



Thank you!



Any questions or further comments?