Annex 1.17. Managing decision making on confidentiality - Slovenia

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>> 1. Broad description

This Case Study presents the management issues at the Statistical Office of the Republic of Slovenia (SORS) associated with the release of microdata for research purposes. In this frame SORS thoroughly differentiate between access and transmission of microdata.

Tasks of the Data Confidentiality Committee and the system of rules and procedures regarding the release of microdata to researchers are hereby presented.

According to the procedure described, the Director-General of SORS has the necessary advice before deciding on the release of microdata to researchers and all the researchers are treated in the same standardized way.

>> 2. Why is it good practice?

- It provides the necessary advice to the Director-General of SORS before deciding on the release of microdata.

The Data Confidentiality Committee as an advisory body is composed of experts from different fields (statisticians, expert for a statistical disclosure control, dissemination and lawyer) and can provide an opinion regarding the release of microdata from different point of views.

- All researchers are treated in equal way.

The rules for release of microdata, forms of request and examples of contract provisions and declarations of data protections are published on SORS´s website.

- Trust in SORS regarding confidentiality of data is maintained.
- SORS's staff are well informed about the procedure and can monitor the decision process and outcome which is applied in a routine fashion.

>> 3. Target audience

The target audience groups are researchers in research institutions, researchers in government bodies and in Bank of Slovenia as well as individual researchers and social science data archives.

>> 4. Detailed description

4.1 Data Confidentiality Committee

The Data Confidentiality Committee deals with the problems of data confidentiality at SORS and was established as an advisory body of the Director-General of SORS.

The Data Confidentiality Committee has the following tasks:

- to take care of the implementation of the Rules on Protection of Data collected by the program of statistical surveys on SORS;
- to deal with various matters and to give advice to the Director-General of SORS regarding issues that cannot be solved by general rules from the field of data confidentiality;
- to report to the Director-General of SORS and the Statistical Council of the Republic of Slovenia regarding the situation in the field of data protection at SORS.

With reference to its tasks, the Data Confidentiality Committee adopts findings, positions and opinions and forwards them to the Director-General of SORS. Members of the Data Confidentiality Committee are experts from SORS and authorized producers of national statistics as well as external data protection experts. Committee members are appointed by the Director-General of SORS.

4.2 The system of rules and procedures regarding the release of microdata to eligible users

4.2.1 Organizational rules and procedures

On its website SORS publishes forms of request for obtaining microdata, examples of contract provisions and declarations of data protections, which researchers need to sign.

Every researcher needs to fulfill a request for obtaining microdata. This request contains information on the research proposal (purpose of the statistical analysis, brief description of the statistical analysis, data source-statistical survey, variables from individual sources, what software will be used for statistical data analysis) and information about the researcher (name and surname, researcher's registration number, researcher's professional references).

A request received is then transmitted to the Data Confidentiality Committee, which prepares the opinion about the possibility of releasing the

requested microdata and forwards it to the Director-General of SORS for approval. The Data Confidentiality Committee takes into account all aspects of a research proposal: the proposal itself, the sensitivity of variables requested and a mode of microdata release.

Microdata may be released only after signing the contract and the declaration of data protection by a researcher.

In preparing the data, subject matter specialist must take into account the »need to know principle«.

4.2.2 Rules for the release of non-anonymised microdata

a. Release of microdata within the system of national statistics

Good practice: for implementing the Annual Program of Statistical Surveys, it is possible to exchange microdata between SORS and authorized producers of the program of statistical surveys.

b. Release of microdata collected with combined questionnaires to partner institutions

In some cases SORS sends together with one of the government institutions to the reporting units a combined questionnaire, thus decreasing the burden of reporting the same or similar microdata twice to government institutions.

Good practice: SORS collects microdata with a combined questionnaire together with a partner institution only if SORS and the partner institution have a legal basis to do this and if SORS's interest is not threatened by this method of microdata collection.

The legal basis for microdata collection by SORS and a partner institution must be printed on the questionnaire and the information letter must explain the purpose of microdata collection for the partner institutions.

c. Release of microdata to observations units requesting own microdata

In some cases observations units ask SORS for their own microdata that they sent to SORS in the past.

Good practice: if SORS has these microdata, it transmits them to the observation unit within its technical and financial capacity. Each observation unit needs to prove its identity.

d. Release of microdata about their members to commercial and interest associations

To rationalize microdata collection and decrease the burden of reporting units, some commercial and interest associations do not collect microdata for various analyses themselves but ask SORS to transmit these microdata to them.

Good practice: SORS transmits individual microdata on a member of an association only after obtaining written consent from the member concerned.

e. Release of microdata for the purpose of interviewing

For the purpose of interviewing SORS may transmit to registered scientific research organizations and registered individual researchers only the following personal microdata: name and family name, address, year of birth, sex and occupation (Article 41, Para. 2 of National Statistics Act).

4.2.3 Rules for the release of anonymised microdata

a. Release of microdata to scientific research institutions and individual researchers

Good practice: microdata for scientific research and analytical purposes (secondary data analysis) are transmitted only to scientific research institutions and registered researchers that can prove their registration.

b. Release of microdata to researchers in government bodies

Government bodies are statistical microdata users that have great and specific needs for microdata, so SORS facilitates their work regarding policymaking by enabling them to use microdata.

Good practice: microdata are transmitted to the government body if the purpose of microdata use is research or analysis.

The request is denied if the purpose of microdata use is to determine administrative advantages or disadvantages for business entities or natural purposes.

c. Release of microdata to researchers of Bank of Slovenia

Good practice: microdata for analytical purposes only are transmitted to researcher in Bank of Slovenia.

d. Release of microdata to social science data archives

By transmitting microdata to data archives, SORS enables analytical and research work.

Good practice: microdata transmitted to various social science data archives have the highest level of confidentiality based on the contract between SORS and the data archive.

>> 5. Supporting legislation

5.1 National Statistics Act

The main legal base is the National Statistics Acts which shall be implemented on the different principles among others on statistical confidentiality (Article 2, Para. 1).

The professional tasks performed by the SORS within the framework of its basic functions shall among other develop methods and techniques for data protection (Article 7).

Dissemination of data by the SORS to the users shall be carried out in such a way that the reporting unit involved cannot be identified. SORS may use such data for creating samples and for statistical analyses only in such a way that the reporting units involved cannot be identified (Article 34, Para. 6).

For the purpose of conducting surveys, SORS may transmit to registered scientific research organizations and registered individual researchers only the following personal microdata: first name and family name of an individual, his/her place of residence, year of birth, sex and occupation (Article 41, Para. 2).

SORS or authorized producers shall transmit individual data to users on the basis of written application; this, however, will be carried out in such a way that the reporting unit involved cannot be identified (Article 47, Para.1).

Statistics may be published in aggregate form only, by way of exception, data may also be published individually:

- upon written consent of the reporting unit as regards publication of the data in such a away;
- if the data have been collected from public (generally accessible) data collections (records, registers, databases, etc.);
- if data are published in such a way that the person or business involved cannot be directly identified (Article 50).

5.2 Personal Data Protection Act

This Act determines the rights, responsibilities, principles and measures to prevent unconstitutional, unlawful and unjustified encroachments on the privacy and dignity of an individual (hereinafter: individual) in the processing of personal data. Every release of microdata must therefore take into account relevant provisions of this Act as long personal data are at stake.

5.3 Rules on Protection of Data Collected by the Program of Statistical Surveys on SORS

By transmission of data to the users the principle of statistical confidentiality must be considered. The principle of statistical confidentiality means, that no data, that could allow direct or indirect identification of the observation unit (Article 14, Para. 2).

For research purposes registered research institutions and researchers have the right to obtain statistical protected microdata. For analytical purposes government institutions and the Bank of Slovenia have the right to obtain statistical protected microdata (Article 19).

Microdata for research and analytical purposes can be obtained only after signing the contract which provides the position of a researcher, the purpose of statistical analyses, provision on data protection and a mode and timing of publication of analyses. The proposal for signing a contract is discussed by the Data Confidentiality Committee; final decision is adopted by the Director-General (Article 20).

>> 6. Strengths

- It provides the necessary and thoroughly advice to the Director-General of SORS before deciding on the release of microdata;
- all researchers are treated in equal way;
- rules and procedures for microdata release are transparent (they are published on SORS´s website and internally)
- procedures are easy to understand for the staff of SORS and researchers;
- staff of SORS is adequately informed about the procedure for managing decision making on confidentiality and can monitor the decision process and outcome which is applied in a routine fashion;
- there are clear responsibilities for the upgrading of the system for managing decision making on confidentiality.

>> 7. Weaknesses

- Time lag between the data request and approval.

>> 8. References

National Statistics Act: http://www.stat.si/doc/drzstat/ZAKON_O_DSTA_ENG.PDF

Personal Data Protection Act: https://www.ip-rs.si/index.php?id=339

Description of access to microdata on SORS´s website: http://www.stat.si/eng/drz_stat_mikro.asp

Last update:

13 Sep 2013

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