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NATIONAL LEGISLATION ON STATISTICS IN GREECE

Submitted by the National Statistical Service of Greece¹

Contributed paper

I. LAWS GOVERNING THE FUNCTIONING OF THE NATIONAL STATISTICAL SERVICE OF GREECE

1. Official statistics in Greece is regulated by the provisions of the Decree Law n.3627/56 in combination with the provisions of the Law n.2392/96. These two Laws establish principles and methods for the organization and the functioning of the National Statistical Service of Greece (NSSG) by promoting uniform policy and rationalized information flows both at the central and local levels. The NSSG is composed of public statistical bodies and agencies at the central and local level which carry out activities in the collection, analysis, dissemination and storage of statistical data.

A. Organization of the National Statistical Service of Greece

2. The NSSG is composed of the following bodies:

- The Central Office
- The statistical offices of the Ministries
- The statistical offices of the Regions (Prefectures)

3. Within this context the role of the NSSG is:

- to address and coordinate all statistical activities at the regional and at the national level
- to carry out the censuses and other statistical work

¹ Prepared by John Tzougas.

- to draw up the classifications and basic methodologies for classifying and recording demographic, economic and social phenomena
- to pursue the promotion and computer development for statistical purposes of management files and administrative data

B. Obligation to supply statistical data

4. According to the provisions of the Articles 2 and 3 of the Law 2392/96 private persons, associations of private persons and legal entities of private law are obliged to provide statistical information required by the NSSG.

5. If in the operative phase of some project a new survey is being carried out with the aim of collecting data by a specific questionnaire the interviewing units are obliged to provide the required information requested by the NSSG.

C. Provisions for the protection of statistical confidentiality

6. Data collected by the NSSG may only be used for statistical purposes and may not be disclosed other than in aggregate form so that no individual references could be extracted.

7. To guarantee the principle of independence and transparency of statistical information, a Committee for the protection of statistical information, the so-called Committee of Statistical Confidentiality (Article 8 of the Law 2392/96), has been set up within the NSSG with the aim of :

- ensuring the impartiality and the autonomy of statistical information;
- guaranteeing the compliance of such information with the regulations governing the protection of confidentiality of the information supplied to NSSG;
- ascertaining the quality of the statistical methods and data processing techniques used in the collection, storage and dissemination of data;
- ascertaining the compliance of the surveys with the directives and recommendations of international and Community organizations.

D. Access to statistical data

8. The data gathered by surveys conducted by the NSSG are accessible to the public and are made available for study or research purposes to those who request them in accordance with the provisions of the articles 5 and 6 of the Law 2392/96.

9. Sample collections of individual data, made anonymous and purged of any references linking them to individuals (physical or legal persons), may also be provided by the NSSG to public bodies or agencies, legal persons, companies, associations and individual citizens on the basis of whether the request is justified and consent is granted by the Committee of Statistical Confidentiality.

10. The state registers and archives of the public services and the legal entities of the wider public sector are accessible by the NSSG in order to promote the use of administrative archives and to reduce the burden of the respondents. In particular, with respect to the use of fiscal data of enterprises derived from the VAT archives, a Joint Ministerial Decision n.12833/C-528/1996 has been signed between the Ministry of National Economy (the NSSG administratively belongs to the Ministry of National

Economy) and the Ministry of Finance in which, among other things, the anonymity and the fiscal secrecy for the enterprises is fully respected.

III. LAW ON THE PROTECTION OF PERSONS AND OTHER SUBJECTS WITH RESPECT TO THE TREATMENT OF INDIVIDUAL DATA (LAW NO. 2472)

A. General issues

11. For the implementation of the Community Directive 95/46/EC, an important Law on the protection of individuals with regard to the processing of personal data entered into force in Greece on 10 April 1997. It incorporates and applies the principles established by the above Community Directive.

12. The aim of the national Law, which refers not only to statistical matters but to all private individuals and legal persons, is to guarantee that the treatment of personal data responds to the basic rights, the fundamental freedoms as well as the dignities of physical persons, with particular reference to the confidentiality and the personal identity.

13. According to Article 11 of the Law, the purposes and the modalities of treatment of the personal data gathered must be furnished to the respondent in order to:

- clarify the aims and the modalities of treatment for which data will be collected;
- specify the compulsory or facultative nature of data release.

14. According to Article 5 of the Law, the treatment of personal data is allowed only with the explicit consent of the respondent, given in written form. Consent is not required, in particular, when :

- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interest of the data subject;
- processing is necessary for the performance of a task carried out in the public interest or in exercise of official authority vested in the controller or in a third party to whom the data are disclosed
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by the third party or parties to whom the data are disclosed

B. Protection of statistical data

15. Some provisions of the Law provide for the adoption of preventive and proper safety measures in order to minimize the risks, even accidental, of data destruction and loss, of unauthorized access, of not allowed treatment or of non-conformity with the purposes of the data collection.

16. It should be said that internal rules for the protection of data confidentiality have been adopted by the NSSG. These provide for procedures and methodologies that prevent the disclosure of micro-data concerning households and enterprises. As far as enterprises are concerned these rules imply that it is not possible to provide individual data for less than three units in statistical tables.

17. Anyone who does not adopt the necessary measures to ensure the safety of personal data is subject to punishment by imprisonment up to three years and to a fine up to 5,000,000 drachmas, depending on the gravity of the effects of the event.

III. COUNCIL REGULATION (EC) NO 322/97 ON COMMUNITY STATISTICS

18. The Regulation on statistical action at the Community level came into force on 17 February 1997 after a long discussion at the EU Council. This regulation can be considered a very important step towards the definition of common principles and rules regulating the flow of statistical information between national statistical institutes and EUROSTAT.

A. Common definition of confidentiality

19. One of the main aspects is the common definition of statistical confidentiality (art.13). As far as the scope of application of the new confidentiality regime and its relationships with national provisions governing confidentiality is concerned, it has to be pointed out that these provisions concern only statistical confidentiality and the production of Community statistics.

20. According to Article 13, statistical data shall be considered confidential when they allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information. While in the case of direct identification, the identification of the statistical unit is possible from its name or address, or from an officially allocated and published identification number, cases of indirect identification consist of all possibilities of deducing the identity of a statistical unit other than from the previous one. In doing so, all means which can be reasonably used by a third party are to be taken into account.

B. Access to registers

21. According to Article 16, access is allowed to administrative data which already exist and can be used by the national authorities and the Community authority for Community statistics. The aim of the provision is to reduce the burden upon respondents by allowing statisticians to have access to information contained in registers. In any case, the access to registers is limited to what is necessary for the production of Community statistics.

C. Use of statistical data for research purposes

22. According to Article 17, it is now possible to use Community statistics for research purposes. The possibility of using Community statistics for research purposes has resulted from the recognition of the fact that statistical purposes and research purposes are considered compatible. This interpretation is also justified by the provisions laid down in Articles 6 and 7 of the Community Directive 95/46/EC.