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Topic I: Application of statistical disclosure control methodology and software in business statistics and social and demographic statistics

**PROTECTION OF DATA IN POPULATION CENSUSES IN
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
FOR 1991, 1994, 2001**

Legal base and experiences

Contributed paper

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Abstract: One of the important tasks in the transition period of statistical systems in The former Yugoslav Republic of Macedonia is adopting a new approach to statistical confidentiality aiming at standard solutions harmonized with international standards and practice in developing countries. The legislation takes into account the regulations of the United Nations, Council of Europe, European Union, etc. The implementation of harmonized legislation in practice has had remarkable results in this field. Owing to the complexity of this field, there is a need for permanent follow-up and updating at the domestic and international levels.

I. BACKGROUND

1. Since proclaiming independence in 1991, The former Yugoslav Republic of Macedonia began the process of transition to a market economy which necessitated adopting corresponding legal regulations in the country. In the same year, the Constitution of the Republic of Macedonia was adopted followed by a series of laws on the economy, political system and social reform.

2. Within this framework, it was necessary to transform the national statistical system and to adopt a new Law that provided for the protection of personal and individual data used for statistical purposes for business.

II. LEGISLATION CONCERNING THE PROTECTION OF PERSONAL DATA

3. Security and confidentiality of personal data in The former Yugoslav Republic of Macedonia are guaranteed by:

- i) **The Constitution of The former Yugoslav Republic of Macedonia, 1991** - Security and confidentiality of personal data are guaranteed by the Constitution. Article 18 defines that citizens are guaranteed the protection from abuse of personal integrity resulting from the identification of personal information in the course of data processing.

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- ii) **The Law of Personal Data Protection, 1994** - the Law is applied in all fields dealing with information collection, processing and storage. The Law covers legal, organizational and technical measures against illegal collection, analysis, destruction, distortion and transmission of data, as well as the illegal connection to data or databases.

4. The Law also includes details for:

- Conditions under which the personal data can be collected. Personal data of the citizens can be collected, processed and used only for the purposes defined by the Law and purposes that resulted from the written approval of the person to which they are referring;
- Maintenance and content of catalogues/registers including personal data; rights and obligations of those responsible for the collection of personal data and rights of the person whose data has been collected;
- Transmission abroad of personal data. Personal data cannot be taken out of the country except in the cases established by the Law or on the basis of an agreement of the person to whom they are referring.
- Supervision and penalties.

- iii) **The State Statistic Law, 1997** prescribes data protection in the field of statistics. During the preparation process for the research, government experts and experts from other institutions were consulted as well as representatives from statistical offices from other countries, and a representative from EUROSTAT.

5. The following legal acts and recommendations were taken into account in the preparation of this part of the law:

- The Convention 108 of the Council of Europe from 1981;
- Recommendations of the Council of Europe for the protection of personal data, collected and processed for statistical purposes;
- EUROSTAT Act, from 1997;
- Expert support was provided from EUROSTAT, Denmark and Switzerland, and our own experience was used to draft the Census Law of 1994.

6. By this Law, the protection of statistical data is raised to a higher level and is harmonized with international recommendations for data protection. One special chapter in the Law is dedicated to data protection. Issues included in this Law which were not covered for protection of personal data, are:

- Defining the category of “sensitive data” that are liable to special protection when used for statistical purposes;
- Protection of individual data for business subjects (legal persons);
- Specifying the protection of personal data from the field of statistics.

7. Concerning statistical confidentiality, the Law defines the categories of data that are considered confidential; cases when and who can collect individual data; the method of processing, storing and destruction of individual data; cases when they can be included in a database; regulations for protection during publishing and disseminating data. Individual data can be published only if the subject cannot be identified. Individual data cannot be used for other purposes except for statistical processing for research, defined in the Programme for Statistical Research and other laws.

8. After the adoption of the statistical law, a Five Year Programme for Statistical Research (1998-2002) was adopted, so we can say that we have a greater experience in the application of this Law from the aspect of statistical data confidentiality.

III. PROTECTION OF PERSONAL DATA FROM POPULATION CENSUSES

9. Population censuses are the biggest statistical actions. They are undertaken according to special laws defined for each census, which also includes data protection issues. As a rule, population censuses are conducted every ten years. The Census in 1994 was an exception and was conducted three years after the previous one in 1991.

A. Law for Census of Population, Households, Dwellings and Agricultural Holdings in 1991

10. This Law defines the method of collecting, using and processing of data, according to the regulations for data protection as follows:

- The data collected for the Census from individuals referring to their personal, family and property conditions are a professional secret and cannot be revealed;
- Employees of the State Statistical Office and other participants in the Census are obliged to maintain secrecy during and after finishing the Census and processing the data;
- On the Census forms it is written that these data are professional secret.

11. A characteristic of this Census is that the data were used to establish an administrative collection of data (population register) under the responsibility of the State Statistical Office. The population register was based on a separate law which governed the conditions for development of registers in the country at the time.

B. Law for Census of Population, Households, Dwellings and Agricultural Holdings in 1994 (according to which the last Census in RM in 1994 was conducted)

12. In this law, the method of collecting, using, dissemination, processing, storage and obligation for termination of personal data from the Census is defined. Protection of personal data was provided at the highest level in all phases of conducting the Census and publishing the data. Personal data can be used for statistical purposes only. These are protected by this Law and by the Law for Personal Data Protection.

IV. EXPERIENCES IN PROTECTION OF PERSONAL DATA FROM THE CENSUS, 1994

A. Measures undertaken for the protection of personal data from the Census

13. The State Statistical Office is an executive organ conducting the Census. It is responsible for providing all necessary measures for the protection of personal data established by Law:

- Normative measures

- Prescribed measures and techniques for protection of Census material (the Director issued a handbook for the forms, techniques and the way of providing protection and security of personal data and another handbook for discovering double enumerated persons);
- Prepared corresponding tools (methodology, manuals, rules for processing of data, forms, etc.) which presented details for collecting personal data and obligations of all participants in all phases in relation to the protection of personal data;
- During all phases of work with personal data, all participants were given instructions and written permission to collect and process personal data from the Census;

- Operative-technical measures and conditions

- Transport was provided for collecting Census material from the field;
- Census material was appropriately stored according to protection standards;
- The movement of material with personal data was monitored and documented;
- The destruction of forms with personal data was carried out according to the conditions by Law (part of Enumeration form P-1, lists and magnetic mediums with data);
- Manual and automatic processing was performed according to the established rules and principles;
- The technical protection during automatic processing of data was ensured.

- Logical

- Software was used to protect data from the risk that enumerated persons may be identified in the results;
- Special programmes (password, usercode, etc.) prevented unauthorized use of personal data from the Census.
- In published tables the data were recoded into broader categories. When a data item for a municipality was under ten cases, the data were not published.

- The protection of personal data was supervised by:

- A Special Commission for protection of personal data from the Census, appointed by the Parliament of The former Yugoslav Republic of Macedonia in accordance with the Law for the Census;
- A Commission for Personal Data Protection of the Census, formed by the Director of the State Statistical Office;
- One Expert Group member appointed by the Committee of Ministers of the European Union (that gave expert support);
- One observer for the processing of Census material in the Office.

14. None of the subjects made remarks on personal data protection of the Census. A shortcoming of this Census was the fact that data that could not be used for the establishment of a statistical register of the population (have no legal base, still have not been established law for state statistics).

B. Personal Data Protection Predicted by the Law for the Census of Population, Households and Dwellings, 2001

15. The Law includes a separate chapter for Census data protection. Personal data that are collected for the purposes of the Census are strictly confidential and they are protected by the Law of Census and the State Statistics Law.

16. Personal data collected from the Census can be used only for:

- Purposes established by this Law;
- For purposes which are in accordance with the State Statistics Law;
- Establishing and maintaining statistical registers by the State Statistical Office - personal data of Census which are included in them may be used for statistical purposes and scientific research, but data for identification of persons (name, surname, personal identification number and address) may be used only for the purposes of the Census and for statistical purposes.

17. The population is obligatorily informed that the personal data are strictly protected. In Census instruments it is compulsory to mention that personal data are strictly confidential and protected by the Census Law. Persons authorized to participate in conducting the Census, employed in the State Statistical Office and other responsible participants are informed of the obligation of keeping these data secret.

Census data warehouse

18. Census data after processing are stored according to a determined procedure and terms prescribed by the Director of the State Statistical Office.

Publishing and dissemination of Census data

19. When publishing and providing census data:

- Regarding the protection of personal data and their dissemination to third persons, the regulations from the State Statistics Law will be applied;
- Results of the Census can be published or disseminated to a third person if security was provided to ensure protection of personal identification;
- Census data are protected by adequate measures and techniques for protection from unauthorized dissemination, use, loss or modification of the data that the Director of the Office has released.

20. The Law foresees penalties (fines or imprisonment) for:

- Physical persons releasing confidential data from the Census;
- Employees in the Office or other persons if they have not complied to the prescribed measures for protection of data according to this Law.