

CONFERENCE OF EUROPEAN STATISTICIANS

Approved

Meeting of the 2021/2022 Bureau  
Geneva, 23-24 February 2022

Item III (g) of the Provisional  
Agenda

**WORK ON MODERNIZING STATISTICAL LEGISLATION**

**Prepared by the Organizing Committee of the Expert Meeting**

*This document presents the outcomes of the first two Expert Meetings on Modernizing Statistical Legislation, organized as follow up to the 'Generic Law on Official Statistics' (2016) and the 'Guidance on Modernizing Statistical Legislation' (2019). A proposal for the way forward in this area of work is prepared by the Organising Committee of the two meetings: United Kingdom (chair), Armenia, Latvia, Poland, EFTA, Eurostat, OECD, UNSD and UNECE.*

*The Bureau approved the proposal.*

**I. BACKGROUND**

1. Improving the governance of statistical production and the legal framework is fundamental to producing high-quality statistics and a priority for many countries. The Conference of European Statisticians (CES) has been supporting its members in this area by developing and endorsing, together with the European Free Trade Association (EFTA) and Eurostat, the *Generic Law on Official Statistics* (2016) and the *Guidance on Modernizing Statistical Legislation* (2019). Aligning with the United Nations Fundamental Principles of Official Statistics, the documents provide guidance on developing the statistical legislation to support the modernization of statistical systems and unleash the full value of official statistics.
2. When endorsing the *Guidance on Modernizing Statistical Legislation*, the Conference agreed that regular meetings of legal and managerial experts should be organized to continue working on this topic. In 2019, the Bureau approved a concept note for an Expert Meeting to be organized by a dedicated Organizing Committee. The Bureau also decided to discuss further work in this area based on the outcomes of the Expert Meeting.
3. Due to the Covid-19 pandemic, a physical meeting could not be organized yet, but two online meetings were held in November 2020 and November 2021. The present document summarizes the outcomes of the two meetings and presents a proposal for the next steps.

**II. THE FIRST EXPERT MEETING ON MODERNIZING STATISTICAL LEGISLATION (3 AND 5 NOVEMBER 2020)**

4. The Expert Meeting included two sessions: (1) a session on the right to privacy and the right to live in an informed society, (2) a session on data access, use and exchange through a legal lens. The conclusions of the meeting are presented below.

**(a) Session 1: The right to privacy and the right to live in an informed society**

5. The session provided an overview of the legal framework in place and explained the fundamental concepts related to privacy, confidentiality and data protection.

6. NSOs should have access to data they need within the existing framework, respecting the rights to privacy and personal data protection. Protection of privacy and personal data does not prevent the fulfilment of the right to information, and there are tools to ensure balance. A legal basis for accessing and processing data for statistical purposes should be put in place through national legislation. NSOs need specific policies, procedures and technical infrastructure to ensure data protection.

7. Transparency about the purpose, data sources, safeguards and methods is a key aspect of the dialogue to build trust between statisticians, data protection officers, policymakers and society. Raising awareness of the value of official statistics as a public good, its contribution to protecting human rights, and a basis for evidence-based decisions justifies the necessity of processing personal data. This is especially relevant when accessing new data sources.

8. The Fundamental Principles of Official Statistics are in the DNA of national statistical offices, and can provide a significant contribution to the new data ecosystems. Further thinking on privacy and data protection may be needed in the context of NSOs becoming data stewards and international data sharing.

**(b) Session 2: Data access, use and exchange through a legal lens**

9. The session provided an opportunity for countries and organizations to share their efforts in improving data access and use through modernizing statistical legislation, building trust with data providers and creating a culture of data sharing.

10. Modern legislation is needed to address the challenges of new data ecosystems and provide safeguards to support the trust and relationships based on the mutual benefits of collaboration. Strong data governance in national statistical systems guarantees compliance with the Principles and allows for taking full advantage of new data sources needed by NSOs.

11. NSOs have extensive experience with statistical confidentiality, data ethics, quality management and linking data sources, and their active involvement brings improvements across the whole national data ecosystems. The statistical community can actively take part in increasing the use of new data sources for the common good while working towards using the new data sources in a more agile way.

12. National or international rules standardizing and harmonizing the principles of private data sharing are needed to assure companies that official statisticians are applying the right ethics and privacy measures and will facilitate data sharing globally.

13. Privacy, quality and collaboration by design are key approaches to consider in the new data ecosystems.

### **III. THE SECOND EXPERT MEETING ON MODERNIZING STATISTICAL LEGISLATION (18-19 NOVEMBER 2021)**

14. The second Expert Meeting consisted of four sessions covering access to privately-held data, data ethics, data governance and stewardship from a regulatory perspective and lessons learnt from implementing the *Generic Law on Official Statistics* (GLOS).

15. The Expert Meeting was financially supported by EFTA, which provided the meeting platform and simultaneous interpretation in English and Russian. The outcomes of all sessions are presented below.

#### **(a) Session 1: Access to privately-held data**

16. The existing national legal frameworks need to be developed further regarding several issues related to accessing privately-held data, such as access to raw microdata, access to specific types of privately-held data, the data-stewardship role of the national statistical authorities, etc. Moreover, there are challenges related to the practical application of the law, the organization of business processes involved and communication with the general public.

17. Harmonization of existing business models of access to privately-held data at the national level is needed, and common approaches to solving legal, technical and organizational issues would be useful. The overall business capabilities of NSOs should be strengthened to tackle all the challenges of accessing privately-held data, including balancing different legal aspects effectively.

18. At the international level, several universally usable mechanisms to facilitate a common approach to accessing privately-held data were identified.

- First, we could promote uniform social license settings across different communities and types of data. The general public should be more aware of official statistics as a public good and use of their data to produce public good.
- Second, ‘consumer data right’ mechanism as an example of data altruism can be transferable across countries. Third, in the case of cross-border data access, international organizations can act as mediators in negotiating access to privately-held data of large global companies.

#### **(b) Session 2: Data ethics**

19. The collection of data in an ethical fashion is vital for trust in institutions and trust in their data and statistics. Statistics cannot be transparent and inclusive if the underlying data is collected in an unethical manner. We need to think about global standards for data ethics and how these can be enshrined in law.

20. Organizations are using different terms to discuss data ethics but covering similar concepts, which provides an opportunity for the international community to establish common terminology and support each other in advancing this work. Linkages with core values of official statistics should also be explored.

21. An international group or mechanism is needed to support the data ethics and good governance of national statistical systems. This Expert Meeting should continue providing a platform for discussions about this topic.

**(c) Session 3: Data governance and stewardship from a regulatory perspective**

22. The circumstances and scope of data stewardship roles assumed by NSOs in countries vary greatly, but there is a big potential in sharing experience and mutual learning in the area of data stewardship and governance.

23. Ensuring the existence of an agile and adaptive legislative framework, defining the basic principles and protecting basic rights is an important step towards assuming responsibilities related to data stewardship and governance.

24. The pilot projects and rapid interventions during the Covid-19 crisis should be a stepping stone to putting in place permanent mechanisms allowing for enhanced data sharing and thus improved responsiveness in case of future crises.

25. Further discussion on the legal aspects and implications of data governance and stewardship is needed, including the understanding of the key terms and the associated responsibilities and functions.

**(d) Session 4: Implementing the Generic Law on Official Statistics (GLOS) – lessons learnt**

26. The GLOS should be reviewed, taking account the discussion in this session and the experiences of the countries that have implemented it. The review should consider how the GLOS fits with other institutional standards relating to ethics, principles, values and quality, with the aim of strengthening the coherence of these elements. The GLOS could also better articulate the data stewardship function of NSOs within their national data ecosystems, the access to secondary data sources such as private third-party data and administrative data, and the relationship between the statistical legislation and data privacy and confidentiality laws.

27. The UNECE Secretariat will consider how to establish a mechanism to review and, where necessary, revise the GLOS, drawing on expertise from countries and international organizations. The international statistical community will be kept informed of progress.

**IV. THE WAY FORWARD**

28. All the participants of both Expert Meetings who provided feedback through the evaluation questionnaire considered the meetings' content, papers and organization as good or very good. The attendees considered all the topics and exchanging experience with other countries and organizations very useful.

29. The participants provided many detailed suggestions for topics for future discussions, for example:

- Continuation of all topics discussed so far: access to privately held-data, data ethics, data governance and stewardship and implementation of the GLOS
- Access to administrative data
- Legislation for the data ecosystem
- Coordination of national statistical systems
- Developments in the EU legislation
- Relationship of statistical legislation with other legislation
- Process of modernizing legislation

- Issues of professional independence of NSOs
- Statistical confidentiality from the legislation perspective
- Privacy and data protection legislation, GDPR
- Ensuring inclusivity of statistics
- Governance of international statistical activities.

30. Based on the outcomes of the Expert Meetings and the participants' feedback, it can be concluded that there is demand and interest in the continuation of the Expert Meetings. The proposed future topics demonstrate that there are many issues that require discussion by legal experts. Moreover, there is a need for further substantive work in support of modernizing statistical legislation, in particular, international guidelines on data ethics and review of the GLOS. Finally, many of the topics that require discussion by the legal experts are also extensively discussed in other fora or working groups. There is a need to maintain a relationship and coordinate with those groups on a regular basis.

31. The Organizing Committee proposes that:

(a) The Expert Meetings continue to be organized annually.

(b) The current group is converted into a Steering Group that would oversee the organization of meetings and carry out substantive work, including providing guidance on emerging challenges and ensuring coordination with other groups.

32. The Organizing Committee has identified the following two areas where further substantive work is needed:

(a) Overseeing a review and, if needed, a revision of the *Generic Law on Official Statistics* (2016), taking into account the *CES Guidance on Modernizing Statistical Legislation* (2018) – to be carried out by a dedicated task team working under the Steering Group.

(b) A set of international guidelines on data ethics in the context of official statistics, building on the conclusions of the session held during the 2021 Expert Meeting (see section III b) and in coordination with related activities carried out by the Ethics Task Team under the Capabilities and Communications Group of the High-level Group for the Modernisation of Official Statistics.

33. Data ethics is also proposed as one of the topics of the CES Bureau in-depth reviews for 2022-2023. If this topic is selected, the in-depth review would be the basis for further work on the guidelines under the Steering Group.

## V. PROPOSAL TO THE BUREAU

**34. The Bureau is invited to comment on and approve the proposal for further work on modernizing statistical legislation including:**

**(a) Regular organization of Expert Meetings on Modernizing Statistical Legislation;**

**(b) Establishing a Steering Group on modernizing statistical legislation to organize the Expert Meetings and guide the CES work in this area.**

\* \* \* \* \*