Digital Act in France : Impact on NSI

Michel Isnard, Insee
Head of Legal Affairs
The scanner data

- The context
- The act
- The scanner data
- What to follow?
Since 2012, Insee is carrying an experiment with some retailer chains

- Around 30% of the total turnover
- Good results
- Scanner data could replace surveys ....
- .... and be more efficient
The context

- But some chains refuse to give data
  - And participation to the experiment on voluntary basis

- Two different risks:
  - Beginning with some missing retailers (not so important)
  - Retailers leaving after accepting (more complicated)
What to do?

✓ Work on a voluntary basis
  ✓ Too risky
✓ Work on a mandatory basis
  ✓ Not a traditional solution in France
✓ Find a middle solution
  ✓ The opportunity of the Digital Act
The Digital Act

✓ An important political event backed by the Government

✓ Used mainly to enlarge Open Government in France
  ✓ Accessing private data was understood as a counter part of this enlargement
Legal access to private data

✓ Not really a direct access to the database
  ✓ Would be contrary to the data producer rights settled in an European directive

✓ But a specific way of answering a mandatory survey
  ✓ Electronic transfer ...
  ✓ ... at very high frequency
  ✓ ... with short delays

✓ Under specific conditions
Conditions?

✓ Ministerial act to describe data collected, frequency and other technical stuff
  ✓ Signed by Insee DG
  ✓ As any other French survey

✓ After
  ✓ A public dialog with respondents followed by
  ✓ An public opinion of the National Council for Statistics (French ESAC)

✓ Under the possible control of administrative judges
  ✓ Because of administrative fines
For which data?

- Scanner data of course
- Every kind of data used for statistics
What next?

✓ **Scanner data**
  ✓ Ministerial act signed
  ✓ Notice to the retailers sent
  ✓ Production in 2019 or 2020

✓ **Other sources**
  ✓ Contact with mobile networks
  ✓ Contact with banks for credit cards
  ✓ …..
Any Questions?

Thank you for your attention