
Economic Commission for Europe

Conference of European Statisticians

Expert Meeting on Modernizing Statistical Legislation

18-19 November 2021, Geneva, Switzerland (online)

Summary and Conclusions of the 2021 Expert Meeting on Modernizing Statistical Legislation

I. Attendance

1. The 2021 joint UNECE/EFTA Expert Meeting on Modernizing Statistical Legislation took place as an online meeting on 18 and 19 November 2021. The meeting was attended by the representatives of the following countries: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Estonia, Finland, France, Greece, Iceland, Ireland, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Mongolia, Netherlands, New Zealand, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, and Uzbekistan.

2. Representatives from Eurostat, European Free Trade Association (EFTA), Organisation for Economic Cooperation and Development (OECD), Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC), United Nations Economic Commission for Africa (UNECA), United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), United Nations Economic Commission for Latin America and the Caribbean (UNECLAC), United Nations Economic and Social Commission for Western Asia (UNESCWA), United Nations Conference on Trade and Development (UNCTAD) and the United Nations Statistics Division (UNSD), Bank for International Settlements (BIS) and Inter-American Development Bank also participated.

3. CEPEI, International Association for Official Statistics, Imperial College London, Global Partnership for Sustainable Development Data, and Positium also took part in the Expert Forum.

II. Organization of the meeting

4. The Expert Meeting consisted of four sessions:

(a) Session 1: Access to privately-held data (18 November 2021) – Session Chair: Ieva Zaceste (Latvia);

(b) Session 2: Data ethics (18 November 2021) – Session Chair: Ross Young (United Kingdom);

(c) Session 3: Data governance and stewardship from a regulatory perspective (19 November 2021) – Session Chair: Peter Struijs (Eurostat);

(d) Session 4: Implementing the Generic Law on Official Statistics (GLOS) – Lessons learnt (19 November 2021) – Session Chair: Gabriel Gamez (UNSD) and Steven Vale (UNECE).

5. Sessions were held with simultaneous interpretation in English and Russian.

6. The meeting was organized by the organizing committee consisting of the United Kingdom (chair), Armenia, Latvia, Poland, EFTA, Eurostat, OECD, UNSD and UNECE. The summary and conclusions of the deliberations during each session are summarized below.

7. All meeting documents are available at the website of the Expert Meeting: <https://unece.org/info/Statistics/events/355411>.

III. Opening and adoption of the agenda

8. Lidia Bratanova, the Director of the UNECE Statistical Division, Volker Täube, the Director of the EFTA Statistical Office and Nicola Shearman, the Chair of the organizing committee and the Expert Meeting, opened the meeting and welcomed the participants. The Expert Meeting on Modernizing Statistical Legislation is a continuation of work carried out under the Conference of European Statisticians (CES) on strengthening the legislative and institutional framework of official statistics, which included the work on the Fundamental Principles of Official Statistics (FPOS) (adopted by UNECE in 1992, United Nations Statistical Commission in 1994 and by United Nations General Assembly in 2014), the *Generic Law on Official Statistics* (endorsed by CES in 2016) and the *Guidance on Modernizing Statistical Legislation* (endorsed by CES in 2018).

IV. Session 1: Access to privately-held data

Documentation: [Working paper no. 1: “Access to privately-held data - Australia's experience”](#) by the Australian Bureau of Statistics

9. The session examined different experiences and the role of legislation in accessing privately-held data, based on presentations by Australia, Colombia, the Netherlands and private companies: Positium and Latvian Mobile Telephone (LMT).

10. A solid legal basis is essential for obtaining privately-held data for statistical purposes and integral to ensuring the rule of law and trustworthiness. The flexibility of the legal basis provides faster access to data and more granular data in a changing world. The flexibility entails that legal text is not per se extremely detailed but contains all significant and necessary mandates for access to privately-held data. Thus, it is interpretable and applicable in an objective way in many different and, as COVID -19 shows, extreme legal circumstances.

11. To be effectively enforced, the legal framework needs to be purposefully explained and communicated. The same applies to ad-hoc legal instruments, which have been adopted in times of crisis. In addition to the legal mandate in statistical legislation to obtain data from private parties, various other legal issues, e.g., intellectual property rights, trade secrets, financial liabilities, cyber security etc., need to be addressed to access privately-held data. Moreover, the legal framework that governs access to specific data types, e.g., mobile positioning data, shall be applied alongside statistical legislation. Balancing of all the different legal aspects requires additional business capabilities from the national statistical offices (NSOs).

12. In most cases, the existing legal framework for official statistics provides access to de-identified, aggregated micro-data. Nevertheless, there are challenges related to the practical application of the statistical legislation concerning, e.g., access to specific data in

possession of private businesses and the organization of business processes/models that facilitate access to privately-held data.

13. Business models for data acquisition and processing in NSOs are as important as the legal framework, and together they provide a robust framework for data acquisition. Business models are diverse and specific to each country. In most cases, the statistical authority and the private data owner enter into data access and processing agreements. A genuine interest on the part of private data holders to contribute to producing official statistics is a critical factor for successful cooperation. At the same time, private data holders also need to see the benefit for their business and its development by providing data to NSOs. NSOs need to ensure the sustainability of the cooperation models with the private partners, as relationships between partners can change. There are also other challenges, such as different approaches to the interpretation of legislation, balancing the administrative burden of private data holders and cost reimbursement.

Conclusions

14. 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.

15. 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 effectively all the challenges of accessing privately-held data, including balancing different legal aspects.

16. 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 data altruism mechanism can also 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.

V. Session 2: Data ethics

Documentation: [Working paper no. 4: “Benefits and challenges of privately-held data in the statistical agenda: legal concerns about informational privacy and the role of the public interest”](#) by the Hellenic Statistical Authority

17. This session examined the different approaches used worldwide to assess ethical considerations during the production of official statistics, based on presentations by the United Kingdom, Canada, Greece and Mexico and interventions by the discussants.

18. The data science revolution can significantly enhance the human condition, but only if high-quality data sets can be accessed, linked and analysed. This relies on individuals’ consent to their data being used, knowing that they are not risking any harm.

19. Crucial for public acceptability are extended dialogues with the public to answer their concerns and raise awareness of the potential benefits of freer data. Instead of empty phrases like ‘to help policymakers’, we should be using concrete examples to facilitate understanding.

20. Data ethics guidance ensures that potential public misunderstanding is considered before projects begin. However, there is always the possibility of criticism and misunderstanding when using big data or other new data sources. One way to address

privacy concerns is the principle of data minimization, but it risks undercutting the promise of the data revolution. Similarly, restrictions on the use of data may lead to the distortion of data sets. Focus on necessity and proportionality rather than data minimisation can help achieve the needed balance between the protection of individuals and the benefits to a wider group.

21. Several key principles have been repeated throughout all the approaches and frameworks discussed. These include transparency, quality of methods, public benefit, avoiding harm, fairness, inclusivity, confidentiality, and trust/public acceptability.

22. Determining the best way to discuss these overlapping concepts is vital. For example, data ethics is connected to privacy, data protection and confidentiality, but these terms are not synonymous.

23. A consistent approach to data ethics, underpinned by legislation, is needed. For example, the word “ethics” appears often in the European Union General Data Protection Regulation. This is one instance where the principles of ethical consideration and application are included in legislation.

24. Official statisticians may also consider contributing their data ethics expertise to the development of data ethics approaches in a broader data landscape, e.g. under a potential global data convention, which has been called for by the UN data strategy and discussed by the UN chief statisticians to address the currently fragmented data landscape, which risks increasing breaches of privacy and ethics.

Conclusions

25. 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 fashion. We need to think about global standards for data ethics and how these can be enshrined in law.

26. Organisations 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.

27. 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.

VI. Session 3: Data governance and stewardship from a regulatory perspective

Documentation: [Working paper no. 2: “The role of Australian Bureau of Statistics in data governance and stewardship”](#) by the Australian Bureau of Statistics, [Working paper no. 3: “Government Integrated Database Project”](#) by the National Statistics Office of Mongolia

28. The session provided insight into ongoing regulatory initiatives in the area of data stewardship and public data governance based on experiences of Mongolia, New Zealand, Australia and at the international level, within the framework of the UNECE Task Force on data stewardship and the legislative initiatives of the European Union and interventions by the discussants.

29. The discussion revolved around three questions: (i) need for regulation as an a priori condition for good governance and data stewardship; (ii) impact of COVID-19 on the development of data governance and data stewardship and statistical offices' role therein; and (iii) tension between promoting data sharing/data access and data protection, including interoperability.

30. Good data governance and stewardship requires a basic legal framework that enshrines basic principles and protects basic rights, such as transparency, privacy protection, data confidentiality, trade secrets, intellectual property. At the same time, the legal framework should be agile and adaptive to mitigate the risk of becoming obsolete too soon. It should keep up with technological advances and aim to boost innovation. Key elements of a legal framework regulating data governance and data stewardship are the facilitation of data access to official statistics' producers, the social license, definition of the roles and responsibilities of different stakeholders (including, e.g., data stewardship roles within the private sector), and accountability provisions. The legal framework should also be complemented by:

- (a) Infrastructure development and investment;
- (b) Financing of innovation and data stewardship roles and mechanisms (in statistical offices, governmental bodies, but also private sector);
- (c) Sandboxes where different data partnership models and governance approaches are tested and experimented with, which can inform the development of regulatory approaches without imposing heavy provisions;
- (d) Data sharing agreement templates (MoUs for engaging administrative data holders and private data holders, also covering issues such as change in administrative systems that impact the data (access) sharing arrangements);
- (e) New engagement mechanisms that allow for real societal participation;
- (f) Close monitoring of data partnerships and data collaboration, to enable evidence-based revision.

31. The proposed European data governance act aims at improving voluntary data sharing, promote data altruism and foster the development of neutral data intermediaries. The upcoming Data Act will aim to ensure fairness in the allocation of data value along data value-chains by clarifying access and usage rights over data, among other things.

32. The Covid-19 crisis has shown that many statistical offices are not adequately equipped to handle such sudden and dynamic situations. The response has generated numerous pilots and rapid interventions (and temporary governance agreements). It is now necessary to use this experience and momentum to put in place proper mechanisms that will allow for better resilience and responsiveness in case of future crises. In terms of data governance regulation, the crisis has confirmed the need for enhanced data sharing and access.

33. Maximising data utility requires interoperability while fulfilling data protection requirements. There is a risk that data protection issues are used to prevent data reuse, which could reduce the data value for society. The public purpose should be at the heart of this balance. Safeguards such as ensuring that the data is fit for sharing and reuse, i.e. confidentialized and appropriate, and that it is shared using a safe channel, are important to keep in mind.

34. Issues that were touched upon and not thoroughly discussed, but can be considered at future meetings were:

- Definition of data stewardship and different perspectives on this – do we mean data governance or coordination of other data producers? What are the internally and the externally focused elements of data stewardship?
- 'Code of Ethics' for the whole data ecosystem – is there a need for an international statistical Code of Ethics and how could this be realised?

Conclusions

35. 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.

36. Ensuring existence of 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.

37. 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.

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

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

Documentation: [Working paper no. 5: “Rebuilding of the national statistical system of Argentina. Some lessons learned”](#) by H. Munoz, IADB Consultant and CEPEI, and J. Dupont, OECD

39. This session highlighted experiences in implementing *the Generic Law for Official Statistics* (GLOS). The GLOS was endorsed by the Conference of European Statisticians in 2016 and has since been used by countries around the world and has been adapted to meet specific regional needs by UN-ECLAC and UN-ESCWA.

40. Supporting the principle of professional independence through legislation is an important issue for several countries and is particularly relevant in the context of other producers of official statistics than the NSO. A way to assess or measure the level of professional independence of a producer of statistics would be useful. A pre-condition for this work would be the clear delineation of the national statistical system, which remains a challenge in some countries. The presence of a strong, independent regulator can help, particularly for de-centralized statistical systems.

41. Quality frameworks such as the UN National Quality Assurance Framework (NQAF) and the quality indicators for GSBPM sub-processes can be useful tools for assessing the work of other producers of official statistics. NQAF compliance indicators also cover institutional aspects such as legislation and professional independence.

42. The GLOS is a model law, and it may be necessary to deviate from it to fit national circumstances. Guiding principles could help to understand why and when such deviations may be necessary. Furthermore, before starting an in-depth revision of the statistical legislation, it is crucial to carefully consider what statistical system in a specific national context would secure the production of official statistics that is fit-for-purpose, efficient, and in adherence with international principles and standards.

43. The fact that the GLOS is an international standard is helpful to convince partners and lawmakers that certain provisions are necessary in a new law.

44. Whilst having clear statements on professional independence in legislation is important, it does not guarantee that this principle will be implemented or respected in practice. Independent reviews can be helpful in this respect.

45. The links between legislation, professional ethics, fundamental principles and core values of official statistics could be strengthened.

Conclusions

46. The GLOS should be reviewed, taking account of the discussion in this session and the experiences of the countries that have used or 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.

47. 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.

VII. Dates of the 2022 Expert Meeting

48. The 2022 joint UNECE/EFTA Expert Meeting on Modernizing Statistical Legislation is planned to take place on 17 and 18 November 2022 (to be confirmed).