



Economic Commission for Europe**Conference of European Statisticians****Seventy-first plenary session**

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Item 7 (a) of the provisional agenda

**Programme of work of the Statistics subprogramme of the United Nations Economic Commission for Europe
Reports on the work of the Conference of European Statisticians, its Bureau and Teams of Specialists****Implementation of the United Nations Economic Commission
for Europe Statistical Programme 2022****Addendum****Report of the 2022 Expert Meeting on Modernizing Statistical
Legislation****Note by the secretariat***Summary*

The report presents the summary and conclusions of the 2022 Expert Meeting on Modernizing Statistical Legislation, which took place 17 and 18 November in Geneva.

The report is submitted to the Conference of European Statisticians for information.



I. Attendance

1. The 2022 UNECE Expert Meeting on Modernizing Statistical Legislation took place as on 17 and 18 November 2022. The meeting was attended by the representatives of the following countries: Albania, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Estonia, Finland, Greece, Hungary, Ireland, Israel, Italy, Kazakhstan, Latvia, Lithuania, Mexico, Netherlands, Poland, Portugal, Romania, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, Switzerland, Türkiye, Ukraine, and United Kingdom of Great Britain and Northern Ireland.

2. Representatives from Eurostat, European Free Trade Association (EFTA), Interstate Statistical Committee of the Commonwealth of Independent States, Organisation for Economic Cooperation and Development (OECD), Partnership in Statistics for Development in the 21st Century (PARIS21) 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 Conference on Trade and Development (UNCTAD), the United Nations Statistics Division (UNSD), and International Association for Official Statistics also participated.

II. Organization of the meeting

3. The Expert Meeting consisted of three sessions:

(a) Session 1: Access to privately-held data – Session Chair: Maria Hurley (Ireland);

(b) Session 2: Data stewardship and governance – Session Chair: Dominik Rozkrut (Poland);

(c) Session 3: Process of revising and enforcing statistical legislation – Session Chair: Gabriel Gamez (UNSD).

4. Sessions were held in English.

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

6. All meeting documents are available at the website of the Expert Meeting: <https://unece.org/statistics/events/expert-meeting-modernizing-statistical-legislation-2022>.

III. Opening and adoption of the agenda

7. Lidia Bratanova, the Director of the UNECE Statistical Division 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

8. This session discussed country experiences with access to privately held data from Australia, Mexico, Poland, and Spain, and the ongoing the revision of the Framework Regulation on European Statistics.

9. Traditional data (i.e., survey, census, and register data) are not sufficient to fulfil the increasing need for more timely and granular statistics and stay relevant. There are many data sources outside of traditional data sources for official statistics, that can be used to produce more timely and granular statistics. Some of these data sources, can be described as privately held, that is data held by private (as opposed to public) sector entities, typically enterprises, on their customers or observation units that are different from the enterprise itself. These data sources may be, but not always are, big data.

10. While enterprises are obliged to respond to NSOs seeking information on their activities, current legislation typically – with some exceptions – does not include a specific provision, which would make it mandatory for enterprises to share third-party data for statistical purposes.

11. At this point in time, privately held data is mostly accessed through bilateral partnerships between private sector entities and the NSO. Australia and Mexico have been very successful with this approach. Australia received detailed information on household spending from banks and large retailers. Mexico was able to build partnerships to access the data of entities in the automotive sector and requested information on spending patterns from banks. For approach based on partnership to succeed, crucial are clear communication how the data will be used and that the NSO operates exclusively for the public good. Such partnerships, do not, however, guarantee long-term sustainable access to the data sources.

12. Spain recently changed their statistical legislation, to now ensure that the NSO can access privately held data but also have established partnerships with various private sector entities.

13. A common challenge is inconsistency of statistical law with other laws, such as data protection regulations or laws on financial and fiscal secrets, as in the case of Mexico. This can be a roadblock for the access to privately held data and is one reason why the Framework Regulation on European Statistics will clarify that NSOs will not be restricted by the decisions in the European Data Act.

14. While NSOs sometimes pay data extraction fees to enterprises, there was strong support that NSOs should not pay for privately held data.

15. The Expert Meeting participants also discussed that internationally agreed upon terminology would be helpful, but new terms should only be introduced if they bring added value. Terms such as data ecosystem and privately held data should be examined.

Conclusions

16. The problems related with access to privately held data are very context specific and will heavily depend on the individual situation in the country. One common issue is, however, that changing statistical legislation may not be sufficient, as the hard approach is susceptible to failure and the requests for data may be legally challenged even with adjusted statistical legislation in place. Therefore, NSOs need to build and own the national data strategy with the NSO at its centre and take ownership of the legislation and boldly defend its interpretation.

17. Receiving and retaining public trust and social license is critical. Without this acceptance, access can remain difficult even if the power is provided through legislation. The value of NSOs' getting access to privately held data sources needs to be clearly communicated.

18. More country experiences and examples of data acquisition processes should be collected and analysed.

19. Finally, the Expert Meeting also concluded that common definitions of privately held data and related terms should be developed.

V. Session 2: Data Stewardship

20. The session examined different experiences with data stewardship and data governance to contribute to a common understanding and to discuss the implications for legislation, based on presentations by Switzerland, Canada, the Netherlands and Estonia.

21. Data stewardship, as proposed by the CES Task Force on data stewardship, means ensuring the ethical and responsible creation, collection, management, use and reuse of data so that they are used for public good and benefit the full community of data users. The term can have both an intra-agency and system-wide scope.

22. The Federal Statistical Office of Switzerland has a formal role as data steward for the public sector. The role of the Swiss Data Steward has no decision-making power but is a moderator for data governance-related conflicts between federal agencies. In addition to the Swiss Data Steward, there are additional topical data stewards that take on a system-wide coordination role and local data stewards within agencies.

23. Statistics Canada gave an overview of the newly established, Office of the Chief Data Officer in Statistics Canada, who supports an agency-wide approach to data management, but also promotes data management synergies across the national statistical system and other partnerships in the public sector, and Statistics Canada's formal role as public sector data steward which is part of an all-of-government approach to data governance.

24. The Netherlands gave an overview of their ongoing journey of setting up a Chief Data Officer in the Statistics Netherlands. The Chief Data Officer will undertake system-wide data stewardship, focusing on building partnerships and aligning data initiatives across organisations. The scope of the mandate of its intra-agency duties, specifically related to data governance is still under discussion.

25. Intra-agency data stewardship in NSOs should largely be covered by the current mandate and should not require any changes to statistical legislation.

26. Interoperability is an important concept for data stewardship which includes, as one of its dimensions, legal interoperability. Legal interoperability is the adequate legal basis for data-related cooperation between organisations.

27. From the perspective of the NSOs, one of the challenges for legislation for system-wide data stewardship is that the independence of official statistics must be ensured. Any legislation developed for data stewardship, should not negatively impact already existing statistical legislation. Additionally, the statistical legislation must leave room for the NSO to take on a public sector data stewardship role beyond the statistical domain.

28. The current *UNECE Guidance on Modernizing Statistical Legislation* proposes that the Chief Statistician may promote the use of standards, terminology, classifications and technology applied in official statistics among public and private data providers and operators. This covers, to an extent, possible data stewardship responsibilities of an NSO in the public sector that go beyond coordinating the national statistical system.

Conclusions

29. The session concluded that in the context of data stewardship, particularly useful may be codes of practice and principles concerning the key issues as data quality, interoperability and the once-only principle. Statistical legislation itself should only be as specific as necessary.

30. The Expert Meeting can continue discussing legal aspects related to data stewardship and governance after the report of the CES Task Force on data stewardship is finalized and endorsed, and contribute to further guidelines in this area.

VI. Session 3: Process of revising and enforcing statistical legislation

31. The session discussed issues related to revising and enforcing statistical legislation based on presentations by Latvia, Ukraine and PARIS21, a panel discussion including Greece, Latvia, Serbia and the United Kingdom, and group discussions.

32. The Expert Meeting congratulated Ukraine for the approval of their statistical legislation by the Ukrainian Parliament. The law is based on the *Generic Law on Official Statistics* and is in line with the EU Regulation 223. It includes all principles of the European Statistics Code of Practice, provides a structure to the National Statistical System, and expands the NSO's access to administrative data. A National Council of Statistics will advise the legislative bodies on revisions to the NSS.

33. The Central Statistical Bureau of Latvia is in the process of proposing amendments to their statistical legislation. A selection of a list of amendments aims to introduce necessary changes without having to establish a completely new law. Among others, the amendments include the right to pre-access privately held data to have insight into what data is being held before requesting a tailored dataset, the right to access contact information from statistical registers and the right to georeferenced geospatial data.

34. PARIS21 presented the Statistical Laws Navigator, which provides access to statistical laws from across the world and collects some indicators, such as whether the laws include coordination of the NSS and the law's compliance with the Fundamental Principles of Official Statistics.

35. Expert Meeting participants discussed in break-out groups the following questions:

- What are the rationales and motivations for revising the national statistical law, and how to communicate them to our stakeholders? What could be the legislation, and which other regulatory and main arguments against the revision of the statistical on-regulatory frameworks could instead be mobilized?
- What are the main challenges in enforcing a newly adopted statistical law and how could these have been addressed before, during and after the revision process? Which other legislations may impede or facilitate the implementation of the statistical law?
- What are the main challenges in enforcing a newly adopted statistical law and how could these have been addressed before, during and after the revision process? Which other legislations may impede or facilitate the implementation of the statistical law?

36. In the discussion, the following conclusions have been reached.

37. While there are risks when revising statistical legislation, the changing ecosystem may warrant changes to statistical legislation in many countries. The most important reasons for revising legislation are obtaining access to privately held and administrative data, changing the mandate of official statistics and enabling open data and remote access to microdata to support the research community. There are also risks related to increasing the mandate of a national statistical office, which may impact their main purpose – to produce official statistics e.g. a risk of the social acceptability. In addition, an increased mandate can overburden the NSO if there is no proportionate increase in resources. Proactive involvement of stakeholders as champions, such as central banks, ministries and academia can help mobilise support.

38. A significant challenge for enforcing newly adopted statistical law is its relationship with other legislation. There are a number of other legislations that can impede but also facilitate the implementation of the statistical law. Examples include privacy legislation, tax laws, regulatory burden laws, and laws on administrative registers.

39. Other challenges include the difficulty of monitoring the implementation of the law, accessing new data sources in practice, and the position of the NSO in the government. There are many possible strategies to address these challenges, such as the use of soft law, involvement of stakeholders (including data protection authorities) early in the process, and to include enforcement mechanisms in the legislation.

40. The Expert Meeting also identified concepts that are used in the context of official statistics that are difficult to translate into legislation. Examples are the term “official statistics” itself and, by extension, “experimental statistics”, as well as various technical terms. A proposed solution is to create a universal glossary of terms for use in a legislative context. It is, however, important to avoid defining concepts that are not necessary for legislation to be effective and to keep the language simple.

Conclusions

41. The Expert Meeting concluded that a proactive and collegiate approach is required to revise and subsequently enforce statistical legislation effectively. Stakeholders need to be involved in mitigating challenges early in the process. It is also crucial that NSOs need to take ownership of the legislation and be confident in its application and interpretation.

VII. Dates of the next Expert Meeting

42. The next Expert Meeting on Modernizing Statistical Legislation is planned to take place in about a year.
