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STATISTICAL DATA CONFIDENTIALITY

Supporting paper submitted by the State Department for Statistics of Georgia¹

1. Personal data confidentiality is a vital element of a statistical system and one of the main principles of official statistics is reflected in Resolution of UN ECE (15 April 1992, 47th session of UN ECE), "Main Principles of Official Statistics in the ECE Region".
2. Statistical data confidentiality in democratic country and civil society is considered as a fundamental principle of relations among producers (Statistical Offices) and respondents (suppliers of personal data). The principle aims are:
 - Inaccessibility of personal data & protection of personal, commercial and state secrets;
 - Strengthening of respondents` trust in statistical system.
3. The introduction of the confidentiality principle in each country is characterized by various peculiarities specific to that country. Firstly, it is necessary to prepare strict legal grounds for the implementation of such a principle in reality.
4. The Georgian legislative basis for official statistics regulates all relations of the SDS (State Department for Statistics of Georgia) with providers of personal data and also with users of statistical data. Georgian Law `ON STATISTICS` constitutes rights and duties not only for producers of statistical data, but for suppliers of personal data (primary statistical data) and for users of statistical data. This law also guarantees the protection of personal, commercial and state secrets reflected in primary statistical data provided by legal and physical persons.

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5. Personal data confidentiality is regulated also by the General Administrative Code of Georgia and partly by Georgian Law `ON POPULATION CENSUS`. This latter law ensures protection of data obtained through population censuses. Publication and dissemination of only summary data on population censuses guarantees the protection of the constitutional rights and freedoms of citizens. In order to strengthen trust in primary statistical data suppliers, the public are informed about confidentiality of the personal data provided. All questionnaires for official statistical observations include a special note on the twelfth item of the Georgian Law `ON STATISTICS` entitled `Statistical Data Confidentiality`.

6. Meanwhile, some difficulties related to the implementation of the confidentiality principle should be noted. The first issue is statistical data accessibility for users. Some consumers (mainly state authorities) consider that data accessibility means personal data accessibility. Therefore, they often require primary statistical data on various legal and physical persons.

7. Is it possible to protect personal data confidentiality in all cases? Over the last four years, there was serious discussion between the SDS and the STATE ANTIMONOPOLY ORGAN regarding the existing contradiction between Antimonopoly Legislation and Georgian Law `ON STATISTICS`. According to Antimonopoly Legislation, the STATE ANTIMONOPOLY ORGAN had a right to obtain confidential data from all official organs, while Georgian Law `ON STATISTICS` constituted the guarantee on primary statistical data confidentiality, but there were fixed legislative exceptions. This contradiction no longer exists. On the legislative initiative of the SDS, the Parliament of Georgia approved and the President of Georgia signed the Georgian Law `On amendment to Georgian Law `ON STATISTICS`` (see annex).

8. The protection of personal data confidentiality is a problematic issue for local statistical offices of the SDS, because some heads of local official authorities often require primary statistical data. As we know, the national legislation in European Countries constitutes two types of sanctions for offences related to personal data confidentiality: fine and imprisonment.

9. Usually, the SDS conducts various working meetings and seminars on confidentiality for users of statistical data (representatives of legislative and executive powers, mass media, non-commercial and commercial legal persons, etc.). The last press conference held for mass media in May 2002 on the theme `General Census of Population, 2002` dealt with the confidentiality issue too. Poor means of communication and the low level of technological equipment in local statistical offices can result in imperfect protection of primary statistical data confidentiality.

10. As for technical and technological means in the central statistical office, the SDS regularly conducts measures for personal data protection. The questionnaires for statistical observations are anonymous in the stage of processing; data are located in Intranet, where internal as well as external access and movement are strictly regulated.

11. There are some cases in the Georgian economy related to scarcity of economic entities in a concrete type of economic activity (1-3 units), when the SDS does not publish and disseminate statistical data for total type of such activity because of data confidentiality protection. The only exception is made with official permission (consent) from the economic entity concerned on the publication and dissemination of its personal data. Altogether we have 121 such cases (35 percent of the total number of economic activities) with no official permission and therefore data on those types of activity are not published.

12. Today, the SDS continues activities to ensure personal data confidentiality protection. The following acts (under-law acts and instructions) are being drafted:

- on duties of statistical offices on primary statistical data confidentiality protection;
- on personal responsibilities of the staff;
- the list of SDS staff with the right to access confidential data;
- instruction for activities in the Intranet of the SDS;
- instruction for activities on documents with confidential data;
- instruction for the creation of reserve copies and maintenance of electronic archives;
- on responsibilities of the Intranet administrator;
- on responsibilities of database administrators;
- on confidentiality protection at the time of statistical data collection, processing and dissemination.

13. An interesting issue is connected to access to primary statistical data for scientists and researchers. The experience of European countries in this regard will be interesting and useful for us. The SDS is drafting the `Oath of Statistician`, which also includes protection of primary data confidentiality by staff, a very important issue.

ANNEX



GEORGIAN LAW

On amendment to Georgian Law
`On Statistics`

Item 1. 12th item of Georgian Law `On Statistics` [Parliament acts, N46, 03.12.1997]
is edited as follows:

“Item 12. Statistical data confidentiality

1. Data acquired for statistical purposes are confidential, if they enable the identification of the respondent.
2. Confidential data may be used only for summary statistical data preparation, excluding such cases where a respondent assents to use of his/her data for other purposes.
3. Only staff of official statistics are allowed to work on confidential data.
4. Dissemination of official statistical materials, which contain confidential data or enable the definition of such data, is prohibited.”

Item 2. This law enters into force since its promulgation.

President of Georgia
Eduard Shevardnadze

Tbilisi
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