

DELIBERATION NO 188 OF THE *CONSELHO SUPERIOR DE ESTATÍSTICA* (STATISTICAL COUNCIL)

REGULATION ON THE ASSESSMENT OF REQUESTS FOR ACCESS TO CONFIDENTIAL STATISTICAL DATA

The *Conselho Superior de Estatística* (Statistical Council) (hereinafter referred to as the Council), in the performance of the different tasks entrusted to it by Law No 6/89 of 15 April, shall be responsible for ensuring respect for statistical confidentiality, as well as for granting access to statistical data pursuant to Article 10 (f) of the above Law.

With a view to making it easier for entities requesting confidential statistical data to perceive the requirements to be met by the respective request and in order to adjust, review and update the procedures laid down in Deliberation No 6 of the Council and,

Whereas:

- (1) the number of requests for access to confidential statistics sent by Statistics Portugal or by the entities with powers delegated by the latter, under Article 16 of Law No 6/89 of 15 April, on which the Council shall issue an opinion;
- (2) Article 5 of Law No 6/89 of 15 April;
- (3) Council Regulation (EC) No 322/97 of 17 February, whose purpose is the systematic and programmed production of Community statistics, and specifically referring to statistical confidentiality in Chapter V;

The *Secção Permanente do Segredo Estatístico* (Standing Section of Statistical Confidentiality), pursuant to paragraph 2 (a) and (c) of Annex A of Deliberation No 140 of the Council, at its meeting of 7 July 2000, decided as follows:

A. REQUEST FOR ACCESS TO STATISTICAL DATA SUBJECT TO STATISTICAL CONFIDENTIALITY

1. All entities requesting access to statistical data subject to confidentiality shall submit their requests together with the items listed in **Annex I** (which forms an integral part of this Deliberation), dully filled in.
2. The requesting entity shall be represented in the meeting to assess the request for confidential statistical data by a delegate duly qualified to clear any doubts. The respective summoning shall be the responsibility of the Secretariat of the Council.
3. Statistics Portugal or the entities with powers delegated by the latter shall submit to the Council, to be appraised jointly with the items mentioned the foregoing Paragraph 1, a document exemplifying the incidence of statistical confidentiality in the data required, as well as a copy, duly filled in, of **Annex II** attached to this Deliberation and forming an integral part thereof.
4. Access to confidential statistics may be granted, provided that the requests are duly justified and fall within the scope of the exceptions laid down in the law, and when:
 - 4.1. They refer to cooperatives, public and private enterprises, credit institutions and other participants of economic activities, provided that economic planning or coordination needs, or external economic relations are at stake;
 - 4.2. The reasons for the request, as well as the competences of the requesting entity, ensure that the individual information required shall not be used for any legal, tax or other purpose, except for statistical purposes related to the statistical unit in question.
 - 4.3. Information is required for scientific purposes, to the extent that it is necessary for the preparation of Community statistics, pursuant to Articles 17 and 18 of Council Regulation (EC) No 322/97 of 17 February.
5. The entities whose requests for access to confidential statistics are authorised shall:
 - 5.1. Respect the confidentiality of the information supplied and use it exclusively for the purposes mentioned in the items sent to the Council.

5.2. Only publish statistical data when aggregated to other data, not allowing statistical units to be identified, either directly or indirectly; this means that statistical data can only be published if they refer to three or more units per variable or set of core variables for the breakdown of the information.

5.3. Authorise the Council, if it so requires, checking the prerequisites mentioned in the foregoing paragraphs.

For this purpose, they shall undersign a Declaration (**Annex III**), which is attached to this Deliberation and forms an integral part thereof.

In the case mentioned in 4.3 the Declaration shall also be undersigned by the staff and researchers who will treat the data.

B. REQUEST FOR ACCESS TO CONFIDENTIAL STATISTICAL DATA ON THE GROUNDS OF «SCIENTIFIC RESEARCH»

1. Requests made under the provisions of Council Regulation (EC) No 322/97 of 17 February 1997, in addition to meeting the conditions mentioned in A.1., shall be submitted together with **Annex IV** (attached and forming an integral part of this Deliberation) **as an alternative to Annex I**.

C. REQUESTS FOR ACCESS TO SIMILAR CONFIDENTIAL STATISTICAL DATA SUBMITTED BY THE SAME ENTITIES

1. In those cases where the Secretariat of the Council checks the identity of the requests, comparing them with previous years, and in strict compliance with the limits laid down in Article 16 of the Rules of Procedure of the Council, approved on 15 December 1999 (Deliberation No 182 of the Council), it is possible to prepare draft Deliberations in writing, to be sent to the Members of the Standing Section of Statistical Confidentiality (meeting in the composition appropriate for the request under appraisal, pursuant to Annex A of Deliberation No 14 of the Council), for approval (or not).
2. The draft Deliberation will be accompanied by the respective preliminary investigation.
3. In case of doubt, requests shall always be submitted by the Secretariat of the Council to the Standing Section of Statistical Confidentiality for appraisal in a meeting.



D. Deliberations No 6 and No 66 of the Council are hereby revoked.

E. This deliberation shall also be published in the Official journal.

Lisbon, 7 July 2000

The Chairperson of the Section, *Ana Maria Pereira Vaz*

The Executive Secretary of the Statistical Council, *Pedro Jorge Nunes da Silva Dias*