

# **Data Access for Official Statistics**

A contribution to the reflection on the establishment of  
an EU framework on access to and re-use of privately-held data

June 2017

## 1. KEY CONTRIBUTION OF OFFICIAL STATISTICS TO THE EMERGING DATA ECONOMY

The emerging data economy represents a unique source of job creation and economic growth. Official statistics already play an important role in the development of the data economy and can bring a key contribution to the creation of jobs and economic value for the whole society, in particular through the provision of new data services to market operators.

From the outset, statistical offices have been frontrunners in the development of new digital products and services, adopting data-driven decision-making and building up data analytics capacities<sup>1</sup>. New statistical products and services have been developed on a pilot basis using machine-generated data, with examples ranging from mobile phone operators data (for example for the production of innovative statistics on resident population, on migration flows or on tourism trips), data harvested on the internet (e.g. job vacancy statistics) to smart meters, sensors, scan data, etc. Until now, partnerships have been the preferred approach to accessing these data held by third parties. It remains to be seen if these collaborative models of partnerships stressing factors of mutual benefit for engaging into a partnership will be successful in terms of setting up sufficient data access conditions for statistical offices.

The new integrated and immediately accessible data sources represent a huge opportunity to improve the timeliness and relevance of official statistics as well as to lower response burden. Enhancing access to data for official statistics will allow statistical offices to fully realise the potential of the new data sources and to move from pilot experiments to a more sustained production of statistics and insight based on a routine use of these data. This will not only help statistical offices to fulfil their public interest missions but, where data or insights can be made widely available, providing a rich digital information base for others to re-use, will also benefit to the emerging data economy as a whole.

## 2. ENHANCING ACCESS TO PRIVATELY-HELD DATA FOR OFFICIAL STATISTICS

The current absence of common rules governing the access to privately-held data represents a major obstacle that needs to be addressed at European level, in particular if national statistical institutes are to meet the increasing demand for insight to support evidence based decision making. A European framework on data access is all the more important considering that private data owners operate largely beyond national borders.

This situation is in stark contrast with that concerning public sector information. The common legal framework provided by the Directive on the re-use of public sector information<sup>2</sup> was indeed key to the emergence of a European market for government-held data.

The Communication on "Building a European Data Economy"<sup>3</sup> adopted by the Commission on 10 January 2017 states that '*Public authorities could be granted access to data where this would be in the "general interest" and would considerably improve the functioning of the public sector, for example, access for statistical offices to business data (...)*'. The explicit mention to access for statistical purposes is to be welcomed. It can also be recalled that the Commission in its Communication of June 2016 on "A European agenda for the collaborative

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<sup>1</sup> See the [Scheveningen Memorandum on "Big Data and Official Statistics"](#) of September 2013 and the [Big Data Action Plan and Roadmap](#) adopted by the ESS Committee in May 2015.

<sup>2</sup> [Directive 2003/98/EC on the re-use of public sector information](#)

<sup>3</sup> [COM\(2017\)9](#)

economy"<sup>4</sup> already invited collaborative platforms to cooperate closely with the authorities to facilitate access to data and statistical information in compliance with data protection law.

It is however necessary to go beyond the existing possibility for public authorities to have access to the data and to set a clear policy objective in order to guarantee to public authorities that such access is effectively granted and sustained. This would not only improve greatly the efficiency and effectiveness of the public sector statistical production but would also in the long run contribute to substantially lessen the statistical burden on economic operators, with respondents less solicited to respond to statistical surveys and questionnaires.

The specific situation of access by public statistical authorities to machine-generated data for statistical purposes should therefore be recognised and enhanced. In essence, accessing these new data sources will help produce statistics more efficiently (lowering production costs and response burden with positive impact on society), faster (thereby contributing to responding to information needs more promptly than with current data sources), with more relevance and resulting in a larger number of information services to governments and society (thus providing more opportunities for tailored information that respond to specific needs expressed by stakeholders). Moving in this direction at European level would correspond to a trend that can be observed at national level. The French case is particularly noteworthy in this respect where a recent law<sup>5</sup> obliges commercial companies to open up – under certain conditions – data defined as "public interest data" for the establishment of official statistics. Subjecting such an enhanced access to a number of specific conditions should indeed be acknowledged as the data in question may represent crucial information assets of enterprises and data market players have well-founded interests in terms of fair return of investments and competitive position. This could however be accommodated for instance through procedural safeguards or additional restrictions on the use of data to specific statistical purposes. It is also relevant in this context to take into account the practical modalities for access, which can range from access to raw data as collected by the data holder to access to data processed on the basis of algorithms specially devised and provided by statistical offices.

Moreover, the recognition of the unique role of public statistical authorities with regard to access to and re-use of machine-generated data held by private sector entities would complement those specific arrangements that are already in place for the processing of personal data for statistical purposes. The General Data Protection Regulation<sup>6</sup> provides a comprehensive legal framework for the protection of personal data that includes specific provisions on the processing of personal data for statistical purposes. Overall, the data privacy framework in Europe recognises that the legitimate expectations of the society for an increase of knowledge are to be taken into consideration when it comes to personal data processed for statistics purposes.

In addition, the longstanding experience of statistical offices in processing confidential or sensitive data as well as the existence of a comprehensive set of rules and measures to protect such data against any unlawful disclosure can provide the necessary assurance that the further re-use by statistical authorities of machine-generated data will not undermine the existing rights of the private data-holders.

Finally, granting effective access to privately-held data for official statistics purposes would echo, if not mirror, the extensive right of access to administrative data records that statistical authorities already enjoy within the European Union to the extent necessary for the

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<sup>4</sup> [COM\(2016\)356](#)

<sup>5</sup> [Law of 7 October 2016 for a digital Republic.](#)

<sup>6</sup> [Regulation \(EU\) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data](#)

development, production and dissemination of statistics<sup>7</sup>. This right covers not only the prompt and free-of-charge access to the data – accompanied by their relevant meta-data – and their re-use but also the obligation upon administrative records holders to involve National Statistical Institutes and Eurostat in the initial design and subsequent development of administrative registers and databases.

### **3. READINESS TO FURTHER ENGAGE IN THE DISCUSSION ON DATA ACCESS**

National statistical institutes stand ready to engage in further discussions with the European Commission in looking at the access of privately-held data for public administrations for the execution of their public interest tasks as announced in the Commission Communication of 10 May on the Mid-Term Review on the implementation of the Digital Single Market Strategy<sup>8</sup> and more generally in any preparatory work on a future framework on data access. National statistical institutes are already engaged in similar discussions taking place at global level<sup>9</sup> and these discussions may usefully inform the reflection at European level.

An enhanced access to commercially held data for statistical purposes should lead to the emergence of new and innovative statistical products and services and more timely and less burdensome statistics, which in turn should allow businesses and citizens to seize new opportunities in the growing data economy. It will also enable statistical offices to provide good quality evidence at the appropriate level and therefore strengthen the ability of policy-makers to develop targeted policy interventions rather than broad brush policies based on incomplete or partial statistics.

In parallel, efforts will be pursued to get into a constructive dialogue with private-data holders and build partnerships, in order to further explore possibilities of data access and exchange for statistical purposes in full respect of their business models. These partnerships should complement the many existing agreements with public-data holders and allow a deeper integration of private sector data and public sector administrative records, thus giving more value to statistical systems in general and notably to those based on administrative data sources.

**For many decades, the European Statistical System has been entrusted with the mission of informing European Union policies with sound and objective statistics. In pursuing this mission, it has demonstrated an excellent record in playing the role of a trusted authority at the crossroads of three fundamental rights: data protection (a person's right to privacy), freedom of information (a person's right to be governed in an open and transparent manner) and official statistics (a person's right to live in an informed society). Ensuring common European Union rules on access to privately-held data for statistical purposes will allow the European Statistical System to successfully continue to play its role in the current challenging times.**

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<sup>7</sup> [Regulation \(EC\) N°223/2009 on European statistics](#)

<sup>8</sup> [COM\(2017\)228](#)

<sup>9</sup> [UNECE Guidelines for the establishment and use of partnerships in Big Data Projects for Official Statistics](#), [UN Global Working Group on Big Data for Official Statistics - Good practices for data access and partnerships](#) and [Draft recommendations for Access to Data from Private Organizations for Official Statistics](#)