

# Legal framework and legal considerations for giving researchers access to micro data

Ivan Thaulow

Head of Research Service

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# The content of this presentation

- The legal framework in Denmark
- The implications of the legal framework (the demands of the Data Protection Agency)
- Data-security and data-confidentiality at Statistics Denmark

# The legal framework in Denmark

# The Legal Background for Giving Researchers access to Micro Data

- **Danish Act on the Processing of Personal Data 2000**
  - Data collected for statistical purposes **may** be used for statistical or scientific purposes **if needed**
  - All processing of personal information has to be approved by the Data Protection Agency
- **Public Administration Act 1985**
  - Individuals who have access to microdata for research purposes are sworn to secrecy whether employed within the public administration or not
- **Danish Penal Code 2015**
  - A breach of secrecy may be punished with fine or imprisonment for up to 6 months (2 years)

# The implications of the legal framework (the demands of the Data Protection Agency)

# When giving researchers access to data Statistics Denmark **MUST** ensure that:

- Data is only used by researchers for specific, statistical or scientific purposes
- The relevant data – *as far as possible* – are given without personal identifiers such as personal number, name and address
- That the researchers have notified the Data Protection Agency for their approval – if needed
- A list is kept showing all research projects, which researchers are affiliated to the projects, which registers are used in the project and when the project ends and may be erased

# Data-security and data- confidentiality

# Our general Data-Confidentiality Policy

- Statistics Denmark has its own general Data Confidentiality Policy
- It is made by an Internal Data Confidentiality Committee
- Concerning researchers access to micro data our Data Confidentiality Policy is more restrictive than the Law (The Act on the Processing of Personal Data 2000)
- Within the framework of the policy we ensure data confidentiality by the following means:



# Data Security and Confidentiality

## 1. Data

- All available data are **de-identified**
- Micro data **stays at Statistics Denmark** on special dedicated servers
- The research servers at Statistics Denmark are **separated from the statistical production**
- Users can only get access to data according to a **”need to know” principle**
- **A list is kept showing all research projects that are using our data**, which researchers are affiliated to the projects, which registers the use etc.

# Data Security and Confidentiality

## 2. Users

- **Institutions have to be authorized** before using data
- We ensure that the researchers have notified the Data Protection Agency for their approval
- The head of the Institution **signs an Authorization agreement**: Responsibility & supervision
- The researchers **sign Confidentiality Declarations** where they declare to follow our rules for access to micro data
- **We close down authorizations** if the rules for access to micro data is broken

# Data Security and Confidentiality

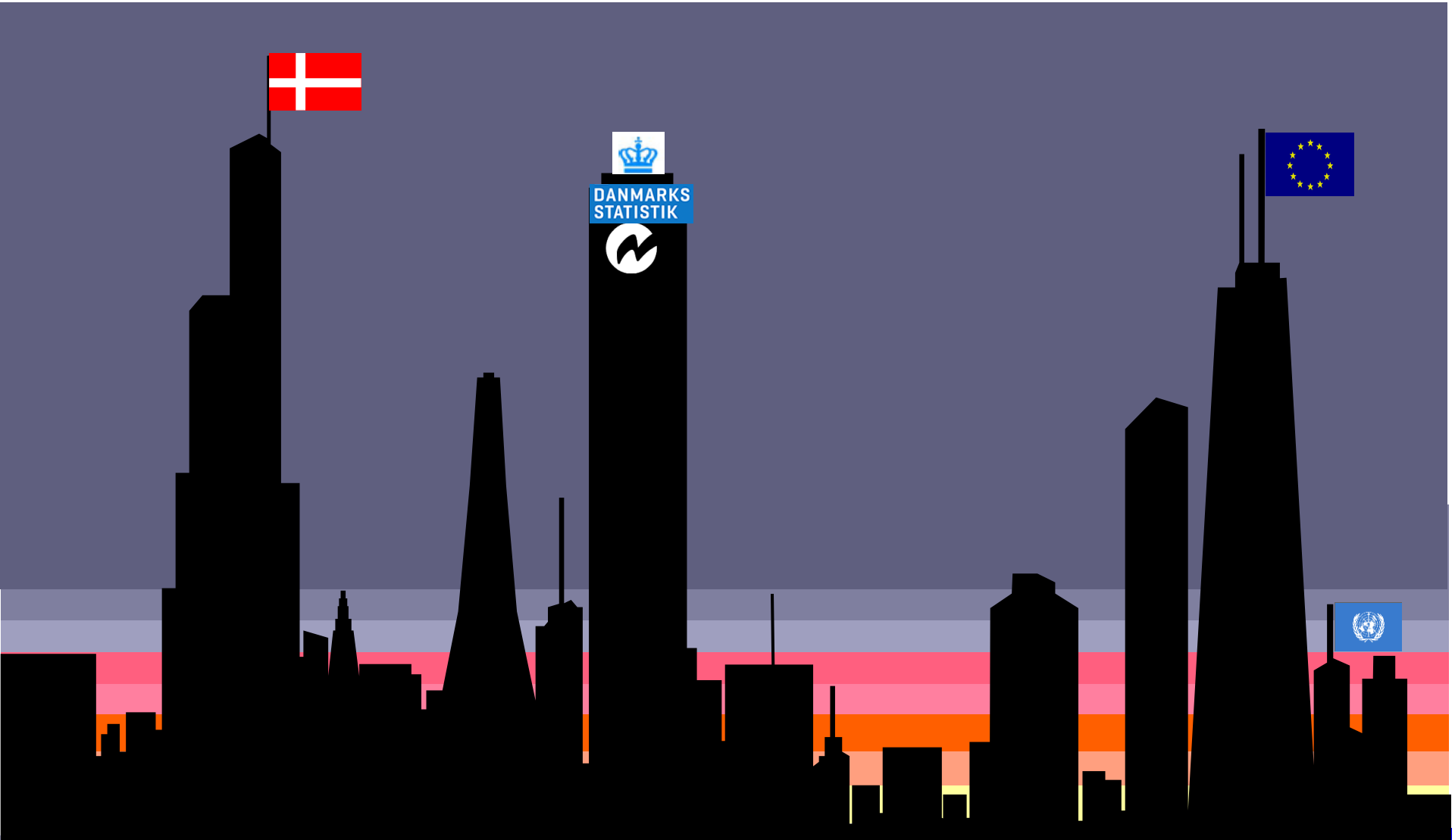
## 3. Output

- Output with statistical results is forwarded only by e-mail
- Researchers are not allowed to print individual records and cannot download data or results
- All output mails are logged by Statistics Denmark
- Output is randomly checked by Statistics Denmark

# Data Security and Confidentiality

## 4. Sanctions

- If microdata is send home: Authorized institution involved will be closed down
  - 1. breach 1 months exclusion
  - 2. breach 2 months exclusion
- Only mitigating circumstance:if a breach is reported to Research Services immediately by the researchers themselves



**The End!**