# Replies to Questions sent in advance of the Consultation Mission to the SSSU on 23–26 March 2015 within the framework of the Twinning Project,related to Data Confidentiality and Data Protection

### Chapter 5 of the European Statistics Code of Practice

#### Who in National statistical institute is responsible for confidentiality issues (unit, working group)?

On a general level, the Director General.

On a practical level, Directors and the Supervisory Group on Confidentiality Issues.

Statistics Finland has a special Working group, supervising questions on Confidentiality. This group, consisting of professionals with a long experience in confidentiality issues, has the responsibility to express its opinion on both principal and practical upcoming questions related to confidentiality. The final decisions on upcoming questions are taken by the Director in charge of the related statistical materials.

Statistics Finland has (since 1994) a Committee on Statistical Ethics appointed by the Director General. The committee is composed of the representatives of three statistical departments, the Data Collection Department and Researcher services. in addition to legal and methodological experts. The aim of the committee is to ensure uniform application of law and ethical principles in issues of importance. The committee’s task is to make statements on data releases for research purposes if there is no prior practise, and on other confidentiality or ethical issues related to data collection, data processing or publication. The committee makes statements. The decisions are made by the directors of the appropriate departments.

Statistics Finland has two experts specialised in methodology. They give support and advice to the departments. Statistics Finland has internal guidelines for protection of tabulated personal and business data. The guidelines require documentation of the protection practices. The documents must be available and exained/checked? The protection practices and documentation are required in internal auditing of the statistics.

Guidelines on the protection of tabulated personal data can be found in the following document:

<http://stat.fi.fi/tup/mikroaineistot/guidelines_personal_en.pdf>

Guidelines on the protection of tabulated business data can be found in the following document:

<http://stat.fi.fi/tup/mikroaineistot/guidelines_business_en.pdf>

The basic information form for statistical auditing can be found in the following document:

<http://www.stat.fi/org/periaatteet/lapivalaisulomake_en.pdf>

#### Confidentiality policy (document; who is responsible for developing the document?)

The basic principles of Statistics Finland’s Confidentiality policy are embedded in the law through the Statistics Act.

The Statistics Act refers to the Act on the Openness of Government Activities concerning the publicity and confidentiality of the data provided for statistical purposes. According to that act, all basic data for statistics are confidential unless otherwise provided in law. An exception to this rule on confidentiality are the data describing the activities of central and local government authorities that are public by virtue of other legislation.

The Statistics Act, Section 10, demands that when data collected for statistical purposes are being combined, stored, destroyed or otherwise processed it shall be ensured that no person’s protection of private life or personal data, or business or professional secret shall be endangered.

According to the Statistic Act, Section 11, statistics shall be compiled so that those whom they concern are not directly or indirectly identifiable from them. The release of confidential data for scientific and statistical purposes is enacted in Section 13 or the Statistics Act.

The Statistics Act (in English) can be found at the following web site:

<http://www.stat.fi/meta/lait/tilastolaki_en.html>

The Head of Data Security develops, coordinates and organises the information security at Statistics Finland. Information security is managed according to the guidelines given by the top management. The Director General confirms Statistics Finland’s principles and guidelines for security. The director of each department supervises their fulfilment in their own department.

The Information Technology Department is responsible for ensuring the functions of hardware, programmes, data warehouses and information networks, as well as for safe usage and backups.

The general obligation for State authorities to ensure information security is based on the Act on Openness of Government Activities. The Decree on Information Security, based on the above-mentioned act, demands that authorities accomplish the basic level in data processing as stipulated in the degree of 30 September 2013. Statistics Finland fulfils the basic level. Statistics Finland’s information security was audited by a third party (Pivotal Consulting Oy) in 2011.

As required by the decree on information security, there are several safeguards in place to protect the security of all data.

#### Legal, administrative, technical and organizational instruments/measures to guarantee confidentiality.

Violation of statistical confidentiality is stipulated in the Statistics Act, Section 24 with a reference to the Criminal Code, Sections 38 and 40. The sanction for a public servant or employee of a public corporation can be a fine or a maximum of two years of imprisonment. A public servant may also be dismissed from office if the offence clearly proves him/her unfit for his/her task.

In respect of others (e.g. researches), the sanction can be a fine or a maximum of one year of imprisonment.

The Statistics Act:
<http://www.stat.fi/meta/lait/tilastolaki_en.html>

The Criminal Code 39/1889: <http://finlex.fi/en/laki/kaanokset/1889/en18890039.pdf>

Statistics Finland has two experts working with statistical disclosure control issues. One of their task is to follow on-going research and development work. Statistics Finland has a representative in Eurostat’s Expert group on statistical disclosure control (SDC). Statistics Finland participates in conferences and work sessions in the field of statistical confidentiality.

As a part of Statistics Finland’s cooperation with the universities, three trainees have made their master's thesis on the statistical disclosure control methods. :

Minna Hänninen (1996): Tilastolliset tietosuojamenetelmät ja niiden käyttö (Statistical Disclosure Control Methods and Their Use) Statistics Finland, Reviews 1997/3 (in Finnish);

Janika Konnu (2006): Mikroaineistojen tilastolliset tietosuojamenetelmät henkilötilastoissa (Statistical Disclosure Control Methods for Personal Microdata), unpublished Master’s Thesis. University of Jyväskylä (in Finnish);

Annu Nissinen (2011): Taulukkoaineistojen tilastolliset tietosuojamenetelmät (Statistical Disclosure Control Methods for Tabular Data) unpublished Master’s Thesis. University of Helsinki (in Finnish).

In 2013, Statistics Finland reviewed its internal guidelines on protection of tabulated personal and business data. The guidelines oblige statistics to review and document their statistical disclosure control practices on data disseminations.

During statistics production, the confidentiality requirements should first be evaluated and appropriate measures taken. The methods include e.g. threshold values, cell suppression, collapse of classification, dominance rules and also secondary suppression as needed. Some statistics apply Tau-Argus, while some others use specific SAS programs.

Statistics Finland is aiming to increase the use of remote access when releasing data for research purposes. In remote access, more and more detailed information can be included in the data. According to the Statistics Act, Section 13, only direct identifiers must be deleted. Direct identification means the identification of a statistical unit from the name or address or another publicly accessible identification number. The data released outside Statistics Finland must be totally anonymous.

Due to budget constraints, Statistics Finland does not have enough resources for research or development work.

Guidelines on the protection of tabulated personal data:
<http://www.stat.fi/tup/mikroaineistot/guidelines_personal_en.pdf>

Guidelines on the protection of tabulated business data:
<http://www.stat.fi/tup/mikroaineistot/guidelines_business_en.pdf>

In remote access and on-site access the outputs (tables, pictures etc.) are checked prior to submitting them to the researcher. Statistics Finland also gives the researchers guidelines to produce safe outputs.

In the internal guidelines on protection of tabulated personal and business data, it is stated that the director of each department is responsible for the statistics produced in his/her department.

Each department has drawn a list of statistics that need protection. The list is signed by the director. Any protection methods that differ from the standards must be documented.

Rules and guidelines in Research Services:
<http://www.stat.fi/tup/mikroaineistot/etakaytto_en.html>

#### Physical and logical protection of confidential data.

As mentioned earlier in this document, an internal group assigned by the Director General is responsible for data security. The Head of Data Security develops, coordinates and organises the information security at Statistics Finland. Information security is managed according to the guidelines given by the top management. The Director General confirms Statistics Finland’s principles and guidelines for security. The director of each department supervises their fulfilment in their own department.

The Information Technology Department is responsible for ensuring the functions of hardware, programmes, data warehouses and information networks, as well as for safe usage and backups.

The general obligation for State authorities to ensure information security is based on the Act on Openness of Government Activities. The Decree on Information Security, based on the above-mentioned act, demands that authorities accomplish the basic level in data processing as stipulated in the degree of 30 September 2013. Statistics Finland fulfils the basic level. Statistics Finland’s information security was audited by a third party (Pivotal Consulting Oy) in 2011.

As required by the decree on information security, there are several safeguards in place to protect the security of all data.

Statistics Finland’s staff, external service provides and other interest groups have right to access only to those data mediums, information systems, information networks and other resources that their tasks demand or to which Statistics Finland has granted access. The use of resources is supervised and, when necessary, tracked by security locks.

Remote access for the staff requires an agreement between Statistics Finland and the employee. Remote access always requires permission from the head of the department and the equipment owned by Statistics Finland must be provided with appropriate security software.

Incoming data is stored in servers to which only authorised persons of the departments have access. There is no continuous monitoring of the logs in internal use.

Employees have the right to use the data of the unit she/he works in. The use of other data (other units’ or departments’) requires permission. Statistics Finland has an application for staff for this purpose. The name of the user, the data, variables and the duration of the use are defined. The decision is made by the director of the department that owns the data. After the decision, the Information Technology Department grants the access.

The problem with internal permissions is the follow-up of the validity. Expired rights are not always terminated immediately.

In accordance with Statistics Finland’s Rules of Procedure, the Directors and Unit Heads are responsible for ensuring that data protection is realised at Statistics Finland. An internal auditor makes an annual inquiry that covers identification, assessment and management of risks, as well as monitoring measures.

#### Instructions and guidelines for staff to protect confidential information when collecting, processing, storage and disseminating data (what instructions and guidelines and who develops them?)

The respect of professional ethics is part of Statistics Finland’s functions. It is stated in Statistics Finland’s Guidelines on Professional Ethics that Statistics Finland’s employees shall respect and protect the privacy and interests of target persons as well as the business and professional secrets of target communities. The guidelines can be found on Statistics Finland’s Internet pages. Information on data protection and confidentiality of the data collected for statistical purposes can also be found on the Internet.

Statistics Finland has internal guidelines on the protection of tabulated personal and business data. These guidelines contain basic principles to prevent the disclosure of tabular data. The guidelines can be found on the Internet.

Guidelines on Professional Ethics:
<http://tilastokeskus.fi/org/periaatteet/eettinen_opas_2014_en.pdf>

Data protection:
<http://www.stat.fi/meta/tietosuoja/index_en.html>

Confidentiality in data collection and processing:
<http://www.stat.fi/keruu/luottamuksellisuus_en.html>

Guidelines on the protection of tabulated personal data:
<http://www.stat.fi/tup/mikroaineistot/guidelines_personal_en.pdf>

Guidelines on the protection of tabulated business data:
<http://www.stat.fi/tup/mikroaineistot/guidelines_business_en.pdf>

Signing the pledge of secrecy is part of the recruitment process.

It is stated in the pledge that breaching the secrecy is punishable by law. In the Appendix of the pledge it is stated that the punishment for a public official or a general government employee may be a fine or imprisonment for at most two years. A public official may also be dismissed from office, if the offence demonstrates that he/she is manifestly unfit for his/her duties. The personnel is informed about the issue also in the Training Programme in Statistical Skills (TPSS).

By signing the pledge, researchers and the personnel of the service providers also confirm they know that breaching of the secrecy is punishable by law. The extent of the punishment is explained in the permission to use Statistics Finland’s data.