



הלשכה המרכזית לסטטיסטיקה
Central Bureau of Statistics
دائرة الإحصاء المركزية

**Access to microdata for research
at ICBS: legislation, current
practice and initiatives for change**

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It's All in the Numbers

Topics to be covered

- What is the ICBS
- Relevant legislation
- Current practice
- Initiatives for change

What is the ICBS

- Israel Central Bureau of Statistics
- Independent department of the Prime Minister's office
 - Headed by the Government Statistician
- Source of authority: The Statistics Ordinance [New Version], 1972

Relevant legislation

- The Statistics Ordinance

- Main functions of ICBS

- Publish results of statistical activity
 - Cooperate with State agencies
 - Government offices
 - Statutory bodies
 - Academic institutions
 - Research institutes recognized by the Govt. Statistician

Relevant legislation

- The Statistics Ordinance
 - Publication the prerogative of the Government Statistician
 - Publication of aggregates
 - Publication of microdata

Relevant legislation

- The Statistics Ordinance
 - Access to data
 - Surveys and censuses
 - Administrative data

Relevant legislation

- The Statistics Ordinance

- Confidentiality of data

- Prohibition to publish in a manner that enables identification
 - Prohibition on access to identifiable data to anyone other than “employee”
 - Employee: any person employed in carrying out any function under the Ordinance

Relevant legislation

- The Statistics Ordinance
 - Sanction for breach of confidentiality
 - Up to three years in prison
 - Fine of up to ~ \$20,000

Relevant legislation

- The Protection of Privacy Law, 1981
 - Regulates operation of databases
 - Data to be used only for purpose for which supplied
 - Public entities can share data subject to limitations:
 - Specific purposes
 - Specific users
 - Computer security

Relevant legislation

- The Protection of Privacy Law, 1981
 - Sanction for breach of confidentiality in database:
 - Up to 5 years in prison
 - Fine of up to ~ \$20,000

Current practice

- Public Use Files

- Under authority to “publish”
- Extremely small possibility of identifying entity
 - Determination of ICBS Confidentiality Committee

Current practice

- PUF - Public Use Files
 - Available to public under restrictive license
 - Specific user
 - Specific purpose
 - Undertaking to refrain from data matching or attempting identification

Current practice

- MUC - Microdata Under Contract
 - Under authority to publish
 - More detailed than PUF
 - Small chance of identifying entity

Current practice

- MUC

- Data sets

- Usually custom made for fee
 - often integrate survey and administrative data
 - use of administrative data subject to approval by data provider
 - responsibility of the subject matter department
 - » to prepare
 - » to vet output

Current practice

- MUC - Microdata Under Contract
 - Provided to researchers in a manner that does not enable identification
 - Researchers from academia or recognized research facility
 - Under research contract
 - Undertaking to refrain from data matching or attempting identification
 - Sanctions against researcher and institution for breach

Current practice

- MUC - Microdata Under Contract
 - Available only in a safe environment
 - That prevents data linking
 - That prevents sharing the file
 - That enables checking output by ICBS
 - Old Remote Access System out of commission
 - Current use only within ICBS Research Room

Current practice

- Research Room

- Under authority of function to cooperate with State agencies
- Research approved by the Deputy Govt. Statistician as of interest to the ICBS
- Data is anonymized but identifiable
- Both individual data and business data

Current practice

- Research Room
 - Data sets
 - Custom made for fee
 - often integrate survey and administrative data
 - use of administrative data subject to approval by data provider
 - responsibility of the subject matter department
 - » to prepare
 - » to vet output

Current practice

- Research Room

- Researchers from State agencies
 - Government offices
 - Statutory bodies
 - Academic institutions
 - Research institutes recognized by the Govt. Statistician

Current practice

- Research room

- Researchers

- Engaged as volunteer “employees” carrying out a function under the Ordinance
 - Subject to confidentiality requirements under contract and under the Ordinance
 - Subject to criminal sanctions under the Ordinance for breach of confidentiality

Current practice

- Research Room
 - Safe environment
 - Access to authorized researchers
 - All data output vetted for confidentiality

Current practice

- Research Room
 - Physical research rooms at ICBS in Jerusalem, at ICBS office in Haifa, and planned for ICBS office in Tel Aviv
 - Remote Access Research Room at Bank of Israel
 - All data and applications on ICBS server
 - Access from safe room at the Bank of Israel
 - All output vetted by ICBS

Current practice

- ICBS Confidentiality Committee
 - Classifies datasets:
 - PUF – according to disclosure risk
 - MUC – according to disclosure risk
 - Vets Research Room datasets
according to relevance to the research

Current practice

- ICBS Committee on Transferring Data Between Public Bodies
 - Functions under the Protection of Privacy Law
 - Oversees requests to use administrative data for MUC or Research Room datasets

Initiatives for change

- What is broken?
 - Weak and convoluted legal basis for MUC and Research Room
 - Not efficient
 - Legal doubts
 - Burden on researchers

Initiatives for change

- What is broken?
 - No Remote Access System for MUC datasets
 - All current MUC research done in a Research Room
 - Poor infrastructure for the Research Room in Jerusalem

Initiatives for change

- What is broken?
 - Nobody is in charge
 - No overall strategy
 - No overall budgeting

Initiatives for change

- What is broken?
 - Research proposals approved:
 - without consideration for burden on subject matter department and support departments
 - without consideration for physical capacity of Research Room
 - without consideration for budgetary burden

Initiatives for change

- What is broken?
 - All datasets for MUC or Research Room are “made to order”
 - burden on subject matter departments
 - burden on supporting players

Initiatives for change

- Changing the legal framework
 - The Second Eckstein Committee
 - Representatives from research community, data suppliers and govt. privacy oversight lawyers
 - Resulted in
 - general outline of principles
 - rough draft of amendment to the Statistics Ordinance
 - Failed to engage govt. privacy oversight lawyers in a final draft of the above

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - Enables the Govt. Statistician to authorize researchers associated with one or more of the following research institutions
 - institutions of higher education
 - research institutes recognized by the Govt. Statistician
 - research departments in government offices or statutory bodies recognized by the Govt. Statistician

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - Enables the Govt. Statistician to authorize scientific or statistical research
 - by authorized researchers in the field of their research
 - on anonymized but identifiable data
 - subject to the provisions of the law

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - The Govt. Statistician will publish his decisions to recognize research institutions
 - The Govt. Statistician will publish information on research carried out pursuant to these provisions

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - The implementation of these provisions will be according to regulations set by the Govt. Statistician approved by the Prime Minister and the Minister of Justice

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - The regulations will cover, inter alia
 - criteria for recognizing research institutes
 - criteria for authorizing researchers
 - criteria for approving research proposals
 - procedures relating to preservation of confidentiality
 - procedures regarding publication of the Govt. Statisticians decisions and information on research

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - Criminal sanction for breach of confidentiality by authorized researcher
 - Up to three years imprisonment
 - Fine of up to ~ \$20,000

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - Obligation of heads of research institutions to ensure that authorized researchers do not breach confidentiality
 - Criminal sanction (a fine) for not doing the above
 - Rebuttable presumption of liability of head of research institution if researcher breaches confidentiality

Initiatives for change

- Changing the legal framework
 - Rough draft of the amendment
 - Extraterritorial jurisdiction of Israeli law for breaches of confidentiality outside of Israel's borders

Initiatives for change

- New technological infrastructure
 - Replacing the old MUC Remote Access System
 - Looking for financing
 - Must be complemented by appropriate administrative structure
 - Moving the current Research Room in J'lem to a more secure environment

Initiatives for change

- Changing the administrative, logistical and workflow structure
 - Appointment of ICBS mid-level director to oversee microdata access for research
 - This Twinning Project

Thank you for your attention