# Guidelines on granting user licences to Statistics Finland’s unit-level data

#### 1. Scope of application

These guidelines concern the release of data and granting of user licences to the unit-level data Statistics Finland has in its possession. The release of data and granting of user licences is based on the Statistics Act (280/2004, amended 361/2013).

Release of data is referred to when data are released for statistical purposes to another statistical authority, an ESS authority, the Bank of Finland, or the statistical authority of Åland (ÅSUB) and when releasing data for research use in completely unidentifiable form or when it concerns the data mentioned in Section 19 of the Statistics Act.

Permission to use data refers to a more restricted right to process data than what release of data entails. At Statistics Finland, the permission to use data may be granted to researchers to confidential data from which the statistical unit can be identified indirectly. The permission to use is granted through the remote access system.

 These guidelines are not applied to the public information referred to in Section 12, Sub-paragraph 1 of the Statistics Act. Such information are data describing the activities of central and local government authorities­ and production of public services. When releasing data, Statistics Finland makes a decision where the publicity of the data is established. Separate guidelines are issued on the public data in the Register of Enterprises and Establishments referred to in Section 18 of the Statistics Act. These guidelines are also not applied to the release of data about causes of death to which Section 15 of the Act on the Establishment of Cause of Death (858/1997) is applied.

This user licence procedure is not applied at Statistics Finland to the release of data collected only at the commission of a customer. In such cases an agreement is made about compliance with the principles of these guidelines in the use of the data. The normal user licence procedure is applied if Statistics Finland’s data are combined with data collected for a customer.

#### 2. Preconditions for granting user licences

At Statistics Finland, the granting of a user licence refers to a decision, made in accordance with the valid Rules of Procedure and based on legal provisions concerning the use of the data, which gives entitlement to the use of basic data.

According to the Statistics Act, permission can be granted to confidential data collected for statistical purposes for scientific studies and statistical surveys on social conditions. Data may also be released for statistical purposes to another statistical authority, an ESS authority, the Bank of Finland or the statistical authority of Åland (ÅSUB). Data may not be released for administrative, surveillance, investigation and legal proceedings or other corresponding purposes.

According to the Statistics Act, the statistical authority always decides on the release of data and the granting of permission to use unit-level data in its possession. Data obtained through release or permission may not be released further, unless the statistical authority has given permission to this. At Statistics Finland, permission to further release is not, as a rule, granted. However, in individual cases, permission can be granted for a justified reason. Then it must be ensured that the recipient of the release fulfils the data security regulations set by Statistics Finland.

 When considering the decision on user licence, it must be taken into account that when releasing personal data, the Personal Data Act (523/1999) will be applied in addition to the Statistics Act. Besides the provisions of the Statistics Act, the provisions of Section 28 of the Act on the Openness of Government Activities (621/1999) are also applied in the granting of user licences. According to the latter, a user licence may be granted if it is obvious that access to the data will not violate the interests protected by the provisions on obligation to secrecy. If the data have been obtained with the consent of those whose interests are protected by the provisions on obligation to secrecy, the licence may be granted only subject to the conditions on the use and release of data laid down in the consent.

The implementing provisions of the amendment to the Statistics Act contain an exception concerning data collected before the amendment came into force (before 1 September 2013). These data may be released or permission may be granted to them regardless of what data suppliers have been informed about the use and release of data when collecting them. A licence for processing the data can be given only if the consent of the data supplier cannot be acquired again due to the large volume and age of the data or other such reason. Statistical authorities must primarily always consider the possibilities for obtaining consent afterwards. Obtaining consent afterwards is case-specifically considered at Statistics Finland especially when register data are combined with interview data and thus the possibility for identification arises. Before decision making, a statement should be requested from Statistics Finland's Committee on Statistical Ethics.

When a user licence is being considered, the need to ensure freedom of scientific research should also be borne in mind. In practice, this means that the consideration should set out from the premise that a user licence is granted provided the legal preconditions for it are met. Any possible negative decisions must be clearly justified. A licence can be granted for a fixed time period and the conditions necessary for the protection of the public and private interests involved must be attached to it. The licence may be withdrawn if this is considered necessary, for example, when the conditions of the user licence have been breached. In the granting of a user licence, particular consideration must be given to data protection matters. The principles and conditions applied in the granting of a user licence are presented in more detail in Section 7 of these guidelines.

#### 3. Release of data for scientific studies and statistical surveys on social conditions

According to Section 13, Sub-paragraph 2 of the Statistics Act, statistical authorities may grant permission to use data from which the statistical unit can be indirectly identified. Permission to use data refers here to a more restricted right to process data than what release of data entails.

Data from which the statistical unit could be identified directly may not be released. Direct identification means the identification of a statistical unit from the name or address or another publicly accessible identification number. All identification in other ways is considered indirect identification. Accurate coordinate data can be a direct identifier comparable to address when the statistical unit can be individualised merely on that basis. In contrast, even accurate coordinate data concerning several statistical units at the same time presented on a map must be interpreted as a rule as information enabling indirect identification only. Statistics Finland's information enabling indirect identification may be processed only via remote access use or at the Research Laboratory.

Granting permission to use indirectly identifiable personal data in actual fact means releasing of personal data and as concerns those data, the holder of the permission thus becomes a register keeper who is responsible for fulfilling the obligations set in the general and special legislation relating to the processing of personal data. Statistics Finland must make sure that the requester of information has the right to collect and process data according to the Personal Data Act. This is ensured by requesting a register description concerning the survey, for instance. However, the control and monitoring responsibility pertaining to the use and protection of data lies with Statistics Finland. When applying the provisions, requirements concerning protection of business and professional secret should also be taken into account in addition to those relating to protection of personal data. Discretionary powers given by the provisions to statistical authorities related to direct and indirect identification is solely consideration involving matters of law.

The user licence can be given only to the data necessary for the survey. The necessity of the requested data should appear from the survey plan and it can be specified, if required, in consultations with researchers. The user licence can also be granted for total data when it is necessary for the survey design.

Data where statistical units are completely unidentifiable can be released to researchers outside Statistics Finland as well.

 **Release of data in identifiable form**

By virtue of Section 19 of the Statistics Act, data on age, gender, education, occupation or socio-economic group may also be released with identifying data for survey use. Then it must be ascertained that the licence applicant has the right to collect data by virtue of the Personal Data Act.

 Data on education refer to data on an educational qualification in accordance with Statistics Finland’s classification of education. Data on occupation refer to data in accordance with Statistics Finland’s classification of occupations. Data on socio-economic group are generally formed based on the person's main type of activity, status in occupation, occupation and industry. The definition is specific for each set of statistics. Release of data in an identifiable form on age, gender, education and occupation requires­ that the applicant specifies on the user licence application his/her right to collect the said data by virtue of the Personal Data Act by appending to the user licence application a register description concerning the study or statistical survey in question. An additional requirement is that the release of the data in identifiable form is necessary with regard to the study. The data concerned may only be released for such registers that are used for scientific research or statistical analyses.

#### 4. Release of data to another statistical authority, an ESS authority, the Bank of Finland and the statistical authority of Åland (ÅSUB) for statistical purposes

Releasing of data collected for statistical purposes to another statistical authority, an ESS authority and the Bank of Finland is based on Section 13 of the Statistics Act.

Statistical authorities may release confidential data collected by them for statistical purposes to other statistical authorities for the purpose of development, production and quality improvement of the statistics on an activity falling within the sphere of influence of the statistical authority concerned. According to Section 2 of the Statistics Act, besides Statistics Finland, the statistical authorities include Finnish Customs, the National Research and Development Centre for Welfare and Health and the Information Centre of the Ministry of Agriculture and Forestry.

Confidential data collected for statistical purposes may also be released to other authorities belonging to the European Statistics System (ESS authorities) for the development, production and quality improvement of the European statistics for which they are responsible. European statistics are statistics that are required for the implementation of Community actions and they are specified in the European Statistical Programme. A list of ESS authorities is maintained on Eurostat's pages: <http://epp.eurostat.ec.europa.eu/portal/page/portal/ess_eurostat/documents/List_other_national_statistical_authorities_final_with22.pdf>.

Confidential data collected for statistical purposes may also be released to the Bank of Finland for the development, production and quality improvement of the European statistics for which it is responsible. Releasing of data requires that the data were collected for statistics included in the European Statistical Programme and the Bank of Finland needs the data for the statistics mentioned in the work programme of the European System of Central Banks (ESCB).

Statistics Finland may also release necessary identification data to the authorities mentioned above for the compilation of statistics on an activity falling within the sphere of influence of the statistical authority concerned. When releasing data with identification data to the authorities mentioned in Section 13, Sub-paragraph 2 of the Statistics Act, it must be ascertained that the data are released for the compilation of statistics on an activity falling within the sphere of influence of the statistical authority concerned and not any other possible purposes belonging to its activity.

Releasing of data to the statistical authority of Åland, Statistics and Research Åland (ÅSUB) for the compilation of statistics concerning the conditions of the region is based on Section 20 of the Statistics Act. Identification data may also be released to the statistical authority of Åland if it is necessary for the compilation of statistics.

The licence applicant is responsible for giving instructions to those participating in the use of the data and for storing the data in a data secure form. The licence applicant must also validate the necessity of the data for statistical compilation.

#### 5. Release of data to Eurostat and release of data in Eurostat's possession for research use

 Releasing of data to Eurostat is based on Regulation (EC) No 223/1999 of the European Parliament and of the Council on European statistics (EU Statistics Act). The obligation to release data must be decreed with separate regulations concerning individual statistics. Besides under the prescribed obligations to supply data, Statistics Finland may also release data voluntarily based on Article 21 of the Regulation on European Statistics if Eurostat has given sufficient reasons for the necessity of the data.

The Commission has laid down Regulation (EU) No 557/2013 implementing Regulation of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes. The Regulation and the implementation rules related to it specify the principles by which research data are prepared, research organisations are accepted and data are released to researchers. In terms of the data, Eurostat may grant access for the processing of confidential data for scientific studies at the premises of Eurostat or by remote access use and for the release of anonymised data outside Eurostat. Information about each user licence application must be given to the national statistical authority having provided the data, who may forbid within the set deadline (according to the Regulation four weeks) the release of the data for the research purpose concerned.

 Data according to the Regulation on European Statistics based on the data supply obligation are released in the form required by the provisions. In releasing of data voluntarily, the principles given in these guidelines are followed at Statistics Finland. Data protection at Eurostat is specified in the Regulation mentioned above. Therefore, the practices applied in data protection need not be considered in data release decisions.

#### 6. Release of data abroad

 Releasing of data outside Finland is subject to the same legislation as the granting of user licences in Finland. The above-mentioned requirements concerning the granting of user licences apply as appropriate to the release of data abroad. When data are released, special consideration must be given to data security aspects by making sure appropriate measures are taken to protect the data. In addition to ensuring protection of privacy, matters related to national security must be considered in particular. To prevent identification, the data must be processed and classified in Finland as far as possible.

Remote access can be granted in the user licence if the connection mainly takes place through a Finnish organisation.

#### 7. Principles and conditions to be observed ­in the granting of a user licence

 **User licence recipient**

 The applicant of a user licence can be a public authority, an institute or an individual researcher. Even if the applicant is a public authority or an institution, the user licence is granted to a named person or named persons. A new user licence must be applied for if the person(s) change(s) or transfer(s) to another institute­ wishing to continue the research. The users of the data must be identified in the application as precisely as possible. ­The user licence must also state whether other resources, such as computer resources will be used in the processing of the data. For each study, a responsible manager or a person in charge of it must be named whose task it is to ensure that all persons participating in the use of the data are aware of the conditions of the user licence and abide by them. Each person taking part in the processing of the data signs a pledge of secrecy.

**Specification of the purpose of use and the data to be used**

 The applicant for a licence must specify, in sufficient detail, both the purpose for which the statistical data are to be used, and the material requested from Statistics Finland, and their necessity for the study. In addition, any other data that will be used with them must be specified. A research plan must be attached to the application and when it concerns processing of personal data, a register description of the study. The recipient of a user licence may also be requested to make a presentation of the results from the study or research to Statistics Finland prior to their publication. At the time of application when specifying the data, Statistics Finland must clarify with the researcher the suitability of the data to the research in question.

Routine updates of ready-made datasets at Statistics Finland's Researcher Services do not require a new application for licence from the data user. Ready-made datasets refer to data edited for research use whose user licence is decided upon by Statistics Finland's Standards and Methods Department.

**Combining the released data with other data**

If the use of Statistics Finland's data requires that they are combined with other data, the combining must, as a rule, take place at Statistics Finland. Statistics Finland will remove all identification data from the combined dataset in the manner specified below.

Where necessary, Statistics Finland can also release data with identification data to another statistical authority for technical combining of research data used for scientific studies and statistical surveys on social conditions.

**Modes and means of releasing data**

According to Section 13 b of the Statistics Act, data collected for statistical purposes can be released by means of a technical user interface, in other technologically or electronically processable form, in writing or in some other applicable safe and reliable manner.

Permission to research data where indirect identification is possible is granted at Statistics Finland to remote access use or the data are used at Statistics Finland's Research Laboratory. Data in remote access use are protected by a personal user ID and password. Data made fully unidentifiable and the data listed in Section 19 of the Statistics Act can also be released to researchers (e.g. on CD-ROMs).

Depending on the extent of data exchange, releasing of data to another statistical authority, the Bank of Finland and the statistical authority of Åland is based on a user licence or agreement. The mode of data release is specified in the user licence or agreement.

**Validity of a user licence**

 A user licence is granted for a fixed period, at most for five years. For this reason, the application for user licence must state the estimated duration for which the data required for the specified purpose will be used.

 Permission to use data granted through remote access use ends at the term of the fixed period unless the user licence is renewed. The data released to researchers and any possible copies of them must be destroyed at the point of time specified in the user licence. Statistics Finland ­must be notified about the destruction of the data. The Standards and Methods Department must monitor closely that the destroying clause is adhered to in accordance with the user licence decision.

**Contact person**

The person who, on behalf of Statistics Finland, serves as the contact person on issues relating to the release and use of statistical data must be specified in the user licence decision.

#### 8. Decisions about user licences

 In accordance with Statistics Finland’s Rules of Procedure, decisions about release of the datasets located at Researcher Services (ready-made datasets) are made by the Director of the Standards and Methods Department and about other datasets by the director of the department concerned in accordance with the issued general principles and guidelines. Decisions about the granting ­of user licences abroad are made by the Director General.

Decisions about user licences to data are made in accordance with a confirmed decision model. In the decision concerning the granting of permission to use it is necessary to specify individually the holder of the permission, the data the permission concerns and their purpose of use. The decision must set the needed requirements and conditions relating to the use and protection of data. If it is a question of indirectly identifiable personal data, the general principles imposed in the Personal Data Act must also be taken into account when making the decision. The most important general principles with respect to good data processing practices are then planning, necessity, caution and protection obligations and attention to the rights of registered persons.

 A separate decision must be made on matters requiring a statement from the Committee on Statistical Ethics, as well as on its composition and tasks.

All applications for and decisions about user licences to data are recorded at Statistics Finland's Registrar's Office.

#### 9. Validity of these guidelines

 These guidelines will enter into force as of 20 September 2013 repealing the guidelines (TK-00-128-05) given on 17 February 2005 concerning the granting of user licences to Statistics Finland's unit-level data and the guidelines (TK-001021-10) given on 1 September 2010 concerning the application of Article 21 of Regulation (EC) No 223/2009 on European Statistics at Statistics Finland.

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