



**STATE STATISTICAL COMMITTEE
OF THE REPUBLIC OF AZERBAIJAN**

**HOW TO WORK WITH PRIVATE INFORMATION,
HOW TO PROTECT THEIR CONFIDENTIALITY?**

(Instruction for statistical staff - manual)

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Introduction

Confidentiality of personal data is substantial for acquisition and protection of confidence of statistical units participating in statistical observations, surveys. In modern times, is not nationally, but globally important. One of the major principles of UN on official statistics is regarding the provision of confidentiality of statistical information:

“Whether personal data collected by the statistical agencies for development of statistical information is related to physical or legal entities should be confidential and used for only statistical purposes.”

Personal data in statistics is only used for acquisition of final statistical information. Final statistical data is not personal.

One of the major criteria requiring protection of confidentiality of personal data is as follows:

- In point of several respondents` view, personal data collected by statistical agencies is available for other state agencies and this information can be used against them in the future;
- Although many statistical units rely on statistical agencies, they are afraid of proliferation of commercial secret about themselves, acquisition of this data by their competitors.

Therefore, the statistical units are not inclined to give full detailed personal data about them and as a result, efficiency of final statistical information estimated based on such personal data, compliance of them with reality is doubtful. Therefore, protection of confidentiality of personal data by statistical agencies and their staff has special importance for provision of confidence by respondents to statistical agencies.

General Definitions:

Personal data – any information allowing determination of identity of statistical units directly or indirectly;

The subject of personal data – the subject that identity determined or being determined, personal data about him is collected, developed and protected;

Personal identification number - the identification number of a tax payer allowing determine relevant information about him unambiguously, issued to the subject by the relevant executive authority in a prescribed manner;

Collection of personal data – acquisition of personal data about the subject in the documented manner according to the law;

Development of personal data – operations on personal data (recording, systematization, summing, renewal, replacement, removal, storage, transmission destruction of personal data);

Issuance of personal data – submission of personal data to the users through material carriers or information technologies based on the survey in the manner prescribed by law;

Ensuring anonymity of personal data – provision of the personal data impossible to determine identity of the subject;

Confidential statistical information – information collected for production of official statistical materials, allowing reveal of initial information, recognition of statistical units directly or indirectly;

Recognition of statistical unit – reveal of statistical unit based on initial information of unit provided the report directly or indirectly;

Direct recognition of statistical unit – reveal of information and accounting unit through name, address and identification number of accounting unit issued by the relevant executive authority;

Indirect recognition of statistical unit – reveal of statistical unit through other information, address, property, activity type and all other tools used in recognition of statistical unit apart from identification number of tax payer,

Protection of confidentiality of personal data

Personal data is protected by the online development and usage system of information in the State Statistical Committee through electronic software and relevant base of them is established. Scope of access by the employees operating in the field of statistics is restricted with the level sufficient for preparation of substantial consolidated materials according to their tasks. This refers to the level of specialists of departments dealing with different fields of statistics. Thus, every specialist dealing with reports covering scope of the relevant activity enters the statistical reports collected on the field that he works through secret password that only he knows. They can only use the information, can't make changes to the original information. The category includes specialists of MCC and field departments of the Committee connected to the internal network.

Provision of confidentiality of personal data is reflected in the legislation too. According to the article 17 of the Law of the Republic of Azerbaijan “Official Statistics”, unless there is an agreement the information to be used for any purpose by the respondents, confidential statistical information can be used for only scientific purposes through provision of anonymity of statistical units and production of official statistical materials (by cancellation of tools allowing recognition of them).

According to the article 22 of the Law of the Republic of Azerbaijan “Official Statistics”, reveal of official statistical materials reflecting confidential information is not allowed. Final (generalized) information with disclosure permission should cover the information of at least 3 statistical units and the share of any statistical unit in such finals should not exceed 85%.

Provision of personal data for scientific purposes is implemented as follows:

The user applies to the management of the State Statistical Committee on their purposes and information to be obtained in the written format. The written application on submission of personal statistical data for scientific purposes is as follows: which personal statistical data is required on which field, for which purpose; the application form should cover signature of the head of the scientific organization of other person based on the basis of attorney; the guarantee to maintain confidentiality of personal data;

Within a month after acceptance of the application, compatibility of user needs, availability of the requested information is studied in the scientific-methodological council of the Committee;

Comments of the members of the scientific-methodological council are submitted and an applicant is invited to the scientific-methodological council;

In the case of the positive attitude of the scientific-methodological council, an application form on acquisition of information is filled;

Relevant opportunities are provided for usage of initial information by the defined executor or the relevant department of the committee and the information is submitted.

Confidential statistical information is not provided for the students of bachelor and master degrees.

Agreement on collection and processing of personal data about statistical unit

According to the article 8 of the Law of the Republic of Azerbaijan “Personal data”, except in case of mandatory collection and processing of personal data in the manner prescribed by law, collection and processing of personal data is allowed based on the written agreement by the subject, as well as, agreement as an electronic document with enhanced electronic signature or information submitted in the written format.

Written agreement for processing of personal data of the subject should include the following:

- Information determining identity of the subject;
- Purpose of collection and processing of personal data;
- List of personal data with agreement on processing by the subject and processing operations;
- Validity period and terms of withdrawal of the agreement of the subject;
- Terms of destruction or archiving of personal data according to the legislation after expiration of detention of personal data in the relevant information system, termination, suspension of activities or death of the subject.

The main terms of the collection and processing of personal data

The purpose of collection and processing of personal data should be precisely identified by the statistical agencies and collection and processing of this information should be adjusted to these purposes, financial-technical and organizational opportunities of the organization. Personal data should be collected for the legal, predefined purposes and processed by method in accordance with the mentioned purposes.

Personal data should be accurate, comprehensive and updated if necessary. In case of achievement of the purposes of collection and processing of personal data and elimination of necessity on maintenance of them, this information should be destroyed immediately.

Responsibilities of the statistical agencies and employees

State statistical agencies implement the required administrative, technical and organizational measures in order to avoid illegal acquisition, dissemination and use of confidential statistical information.

Responsibilities of the statistical agencies during collection and processing of personal data is provision of legality and security of collection and processing of personal data.

Responsibilities of employees:

- Protection of personal data should be provided by the employee with an access to this information;
- The employee should use personal data for only service needs;
- The employee should inform his direct head or other officials about illegal dissemination, transfer of personal data or other negative cases, facts;
- The employees with an access to personal data should keep confidentiality and should not transfer to the third parties during and after operating

Establishment and protection of archives on databases

Initial statistical reports and obtained consolidated information plays a role as a source of initial information stored in the archive of the State Statistical Committee. Archives on databases are established for long-term maintenance and usage of electronic bases of initial reporting information.

According to the Rules on establishment, maintenance and usage of archives on databases of the Committee, the copy of the current databases should be transferred into the database server through special software automatically every night at 00:00. Over the next working day archive files of databases should be transferred into the terabyte-sized external memory devices dedicated for this purpose. Over the last working day of the week current software should be transferred into the terabyte-sized external memory devices.

Archive of the last five working days is provided in the external memory devices. External memory devices are stored in the special vault in the archive room that is located outside the main building of the agency. The process of copying and the safe storage of data are supervised by the relevant responsible person (people) designated for this purpose by MCC.

Storage and protection of databases are permanent.

Responsibility in case of violation of the confidentiality of personal data

The amount of material and moral damage inflicted on the subject as a result of non-complete provision of collection, processing and protection of personal data is determined by the court and met in the manner prescribed by law.

According to the paragraph 1 of the article 191 of the Administrative Violations Code of the Republic of Azerbaijan, entails imposition of penalty on physical entities fifteen to twenty five AZN, officials thirty five to fifty AZN for dissemination of statistical secret, issuance of information about physical and legal entities to the state agencies, organizations or physical entities that don't have right to use without agreement of physical and legal entities (their representative offices and branches).

According to the paragraph 2 of the article 191 of the Administrative Violations Code of the Republic of Azerbaijan, Promulgation of statistic secret by means of its publication in press entails imposition of penalty on physical persons in amount of thirty to forty AZN, official persons seventy to ninety AZN.

References:

1. The Law of the Republic of Azerbaijan "Official Statistics", 1994
2. The Law of the Republic of Azerbaijan "Personal data", 2010
3. Administrative Violations Code of the Republic of Azerbaijan, 2000
4. Rules on provision of micro data to the users for research purposes, 2011
5. Quality management system, document collection (II edition), 2013
6. Rules on establishment, storage and use of archives on databases, 2013
7. Principles and Guidelines to ensure statistical confidentiality and access to micro data. Report of the Task Force of ECE to ensure the confidentiality and access to micro data, 2007