

Pursuant to Article 68(3) of the Official Statistics Act (Official Gazette, No 25/20), the Director General of the Croatian Bureau of Statistics adopts

**THE ORDINANCE
ON CONDITIONS AND TERMS OF ACCESS AND USE OF
CONFIDENTIAL STATISTICAL DATA OF THE CROATIAN BUREAU OF STATISTICS
FOR SCIENTIFIC PURPOSES**

PART ONE

INTRODUCTORY PROVISIONS

Article 1

This Ordinance defines conditions and terms of permitting the access to confidential statistical data of the Croatian Bureau of Statistics (hereinafter: the Bureau) for scientific purposes.

Article 2

(1) In the sense of this Ordinance, particular expressions shall have the following meanings:

1. 'confidential data for scientific purposes' means statistical data that enable only the indirect identification of a statistical unit;

2. "research entity" means a legal entity performing a scientific research activity, or a scientific research unit (department, etc.) within a legal entity, which must be autonomous and independent in formulating scientific conclusions and separated from the scope of activity of the legal entity to which it belongs;

3. "researcher at a research entity" means a natural person engaged in scientific research in a research entity who is formally affiliated with it or a doctoral student enrolled in a postgraduate university doctoral study programme at the research entity;

4. "entity requesting access" means a research entity referred to in point 2 of this paragraph requesting access to confidential statistical data;

5. "research project" means a time-limited scientific research activity carried out by researchers at a research subject or doctoral students during the postgraduate university doctoral study for the purpose of drafting a doctoral thesis, which has a clearly defined scientific purpose of research, research manager, research associates (if any), methods of statistical analysis, description of expected results and the manner of their publication (articles, presentations, publications, etc.).

6. 'data user' means a researcher at a research entity referred to in point 3 of this paragraph whose name is specified in the contract for the use of confidential statistical data for scientific purposes;

7. "safe room" means a strictly controlled environment within the Bureau's premises where access to confidential statistical data for scientific purposes is ensured;

(2) The expressions "identifier", "direct identification" and "indirect identification" – in the sense of this Ordinance, have the same meaning as those in the Official Statistics Act (hereinafter: the Act).

(3) The terms used in this Ordinance, which have gender meaning, refer equally to male and female gender.

PART TWO

CONDITIONS FOR ACCESS TO CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

Article 3

The entity requesting access shall comply with the following conditions:

- have the status of research entity referred to in point 2 of Article 2(1) of this Ordinance;
- have experience in carrying out research projects;
- be able to implement technical and organisational measures to ensure the protection of confidential data.

Article 4

The proposal for the research project for which access is requested must contain:

- scientific purpose and objectives of the research project
- explanation why the scientific purpose of the research project cannot be achieved using non
-confidential data
- timeline of the research project
- information about the data user
- datasets requesting access and methods of their analysis
- expected results of statistical analyses of data for which access is requested
- method of publication of research results for which confidential statistical data will be used (articles, presentations, publications, etc.).

Article 5

(1) Access to confidential statistical data for scientific purposes may only be granted within the duration of the research project.

(2) The research entity may be granted an extension of the duration of access laid down in paragraph 1 of this Article on the basis of a request submitted no later than 30 days after the expiry of the deadline.

(3) The maximum duration of access to confidential statistical data for scientific purposes shall be five years, including the extended duration of access.

PART THREE

MODE OF ACCESS TO CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

Article 6

(1) The Bureau may provide the access to confidential statistical data for scientific purposes in one of the following modes:

- a) in the "safe room"
- b) "remote access"
- c) on a portable storage medium.

(2) Confidential statistical data for which access in the "safe room" and "remote access" has been granted, in addition to having their direct identifier removed, may be further protected by methods to minimise the risk of disclosure of the statistical unit (data anonymisation).

(3) Confidential statistical data that is given access on a portable storage medium, with the removal of a direct identifier, is further protected by methods to minimise the risk of disclosure of the statistical unit (data anonymisation).

Access to confidential statistical data for scientific purposes in the ‘safe room’

Article 7

(1) The Bureau shall make available a terminal with a virtual desktop containing installed statistical programmes for statistical analysis to the data user accessing confidential statistical data for scientific purposes in the “safe room”.

(2) The place of access to confidential statistical data is located in the Bureau’s premise to which only authorised persons have access.

(3) As an exception to paragraph 1 of this Article, the data user may, subject to the prior approval of the Bureau, be allowed to use other programmes for statistical analysis or use his or her own programme codes for work in statistical analysis programmes.

(4) When working in the “safe room”, it is necessary to follow the instructions for working with confidential statistical data provided to the data user before starting work.

(5) The results of the statistical analyses generated in the “safe room” shall be provided by the Bureau to the data user who had access to the data only after verifying the results from the point of view of statistical confidentiality.

“Remote access” to confidential statistical data for scientific purposes

Article 8

(1) “Remote access” to confidential statistical data for scientific purposes is carried out by establishing a secure connection of the computer of data user with the virtual environment of the Bureau.

(2) The Bureau shall make available to the data user programmes for statistical analysis.

(3) As an exception to paragraph 2 of this Article, the data user may, subject to the prior approval of the Bureau, be allowed to use other programmes for statistical analysis or to use his or her own programme codes for work in statistical analysis programmes.

(4) The results of statistical analyses (files) generated during the work with confidential statistical data are stored directly and exclusively on the Bureau’s computer system.

(5) When working remotely, it is necessary to follow the instructions for working with confidential statistical data provided to the data user before starting work.

(6) The results of statistical analyses generated by using “remote access” shall be provided by the Bureau to the data user who had access to the data only after verifying the results from the point of view of statistical confidentiality.

Access to data on a portable storage medium

Article 9

(1) Access to confidential statistical data for scientific purposes on a portable storage medium shall be carried out through an encrypted portable medium, the access data of which shall be sent to the data user by encrypted e-mail.

(2) The portable storage medium with confidential statistical data can be taken over personally by the data user within the premises of the Bureau or it can be delivered to the data user by postal service.

(3) Confidential statistical data obtained on a portable storage medium must not be printed or copied by the data user on any medium nor passed on to other persons.

(4) The data user is obliged, during processing of confidential statistical data, to disconnect the computer on which the processing is carried out from all networks to which he or she has access and, after processing, remove the data from the computer.

Delivery of statistical analysis results

Article 10

The Bureau shall deliver the results of the statistical analyses referred to in Article 7(5) and Article 8(4) of this Ordinance to the data user who had access to the data by e-mail within 15 working days from the date of completion of the work with the data.

PART FOUR

PROCEDURE FOR ATTENDING TO APPLICATIONS FOR THE USE OF CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

Application for the use of confidential statistical data for scientific purposes

Article 11

(1) The Application for the use of confidential statistical data for scientific purposes (hereinafter: the Application) and evidence of the fulfilment of the conditions for granting the Application shall be submitted in writing to the Bureau directly, by postal service or by e-mail.

(2) The Application shall contain all the information referred to in Articles 3 and 4 of this Ordinance and be signed by the person in charge in the research entity.

(3) In addition to the Application, the applicant shall include:

- proof that a legal person is registered to carry out a scientific research activity (extract from the judicial register or extract from the register of the country of the business establishment of the legal entity outside the Republic of Croatia showing the performance of a scientific research activity or an extract from the records of the European Commission (Eurostat) of recognised research entities carrying out statistical analyses for scientific purposes
- organigram of the applicant
- proof that the researcher at the research entity, who will have access to confidential data in the status of scientist or doctoral student, enrolled in the postgraduate university doctoral study at the research entity (extract from the Register of Scientists with the competent registry in the Republic of Croatia, certificate of doctoral candidate status, extract/certificate of the status of scientist for scientists outside the Republic of Croatia)
- list of publications published by the entity requesting access and list of research projects in which he or she participated
- a description of measures for protection and safekeeping of data at the access point, computer system or other medium on which the confidential statistical data to be used will be stored.

(4) The evidence referred to in paragraph 3 of this Article shall not be older than 90 days from the date of submission of the Application.

(5) The entity requesting access in the Application shall propose a mode of access, and the Bureau shall decide on the mode of access, taking into account the detail and sensitivity of the data to which access is requested.

(6) If the Application is incomplete, the Bureau shall invite the applicant to supplement the Application.

The Statistical Confidentiality Committee

Article 12

(1) The Application referred to in Article 11 of this Ordinance shall be considered by the Statistical Confidentiality Committee of the Bureau (hereinafter: the Committee), who then submits a proposal for a decision explaining the reasons for granting or rejecting the Application, in writing, to the Director General of the Bureau.

(2) The proposal for a decision referred to in paragraph 1 of this Article shall be determined by the Committee within 15 working days of receipt of the duly completed Application.

Composition of the Statistical Confidentiality Committee

Article 13

(1) The Committee has nine members that are appointed from among the employed persons of the Bureau in charge for the affairs of preparation, production, dissemination, statistical confidentiality, information security and legal affairs.

(2) The president of the Committee shall be the head of the organisational unit in charge of customer relations and data protection.

(3) The members of the Committee shall be appointed by decision of the Director General.

(4) The Committee shall adopt proposals for decision by a majority votes of all members.

(5) The working arrangements and other matters relevant to the performance of the tasks falling within the scope of the Committee shall be governed by the rules of procedure adopted by the Committee.

Decision making

Article 14

(1) A decision on the Application shall be made by the Director General, as a rule, within five working days from the date of the receipt of the decision proposal referred to in Article 12(1) of this Ordinance.

(2) The decision referred to in paragraph 1 of this Article is not an administrative act.

(3) The Bureau shall notify the applicant in writing about the decision referred to in paragraph 1 of this Article.

Withdrawal from the request

Article 15

An entity that has requested access to confidential statistical data for scientific purposes may at any time withdraw from the request, in whole or in part, of which he or she shall inform the Bureau in writing.

Contract on the use of confidential statistical data for scientific purposes

Article 16

(1) The Bureau and the research entity to which the Application has been granted shall conclude a specific contract for the use of confidential statistical data (hereinafter: the Contract), in writing.

(2) The Contract must contain information about each individual data user who will have access and their confidentiality declarations as well as about provisions protecting the confidentiality and protection of statistical data provided for use, in accordance with the Act and this Ordinance.

Use of confidential statistical data for scientific purposes

Article 17

(1) Access to confidential statistical data for scientific purposes shall be granted to data users whose names are listed in the Contract.

(2) The contracting party and/or the data user shall be responsible for taking all necessary administrative, technical and organisational measures to protect confidential statistical data for the scientific purposes made available to them under the Contract, in particular for the appropriate physical security of premises and computer systems, adequate data safekeeping in the computer system, appropriate storage of the portable medium on which the data are stored, and appropriate means of safekeeping confidential data analysis results (limited access to the room and computer containing the results).

(3) After the completion of the research project, and at the latest within 30 days, the contracting party shall notify the Bureau in writing of the destruction of confidential statistical data to which it had access. This statement applies to the original data provided by the Bureau to the contracting party and to all subsets of the original dataset.

Article 18

Upon completion of the research project, the contracting party shall make available to the Bureau all links to published research results in which the data were used.

Article 19

(1) If the Bureau finds out that the contracting party and/or the data user does not comply with the Contract, this Ordinance and the Act, it shall suspend without delay access to the data in question.

(2) The Committee referred to in Article 13(1) of this Ordinance shall consider the veracity of finding out about non-compliance with the conditions for the use of confidential statistical data and shall propose further action to the Director General.

(3) If the Committee determines that the finding out about non-compliance with the conditions for access to confidential data is true, the Bureau may for a certain period of time or permanently ban access to confidential statistical data and terminate the Contract, and act in accordance with the penalty provisions of the Act.

Article 20

The Bureau shall, within its scope of competence, be responsible for taking all necessary administrative, technical and organisational measures to protect confidential statistical data for scientific purposes to which data users access in the 'safe room' and 'remotely', in particular for the appropriate physical security of premises and computer systems, adequate data safekeeping in the computer system and an appropriate way of safekeeping the statistical analysis results.

The Costs

Article 21

The costs of access, preparation, processing and control according to the Application shall be settled by the research entity requesting access to the data, according to the Bureau's price list.

Records of users of confidential statistical data for scientific purposes

Article 22

The Bureau shall keep a record of the research entities with whom the Contract has been concluded and the purposes for which these data were given for use.

PART FIVE

TRANSITIONAL AND FINAL PROVISIONS

Article 23

(1) The Director General of the Bureau shall take a decision on the appointment of the Committee referred to in Article 13(3) of this Ordinance within 30 days of the date of entry into force of this Ordinance.

(2) The Statistical Confidentiality Committee appointed in accordance with the Ordinance on the Conditions and Terms of Using Confidential Statistical Data for Scientific Purposes (Official Gazette, No 137/13) shall continue its work until the Decision referred to in paragraph 1 of this Article enters into force.

(3) The Committee referred to in Article 13(1) of this Ordinance shall adopt the Rules of Procedure referred to in Article 13(5) of this Ordinance within 60 days of the date of entry into force of this Ordinance.

Article 24

Upon the entry into force of this Ordinance, the Ordinance on the Conditions and Terms of Using Confidential Statistical Data for Scientific Purposes (Official Gazette, No 137/13) shall cease to apply.

Article 25

This Ordinance shall enter into force on the eighth day following that of its publication in the Official Gazette.

DIRECTOR GENERAL

Lidija Brković (m.p.)

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