INSTITUTO NACIONAL DE ESTATÍSTICA
STATISTICS PORTUGAL

Policy of Statistical Confidentiality

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Introduction

The Instituto Nacional de Estatística, I.P. (Statistics Portugal), in the context of its public interest mission **to produce and disseminate, in an independent and impartial manner, official statistical information of quality and relevant to society, promoting the coordination, analysis, innovation and dissemination of national statistical activity, ensuring the integrated storage of data**.

For this purpose, it collects data from natural and legal persons, as well as administrative data from Public Administration services or bodies.

And guides its action in the production of official statistics according to the following Values:

// Professionalism, ethics and respect for confidentiality.

// Technical independence, objectivity and impartiality.

// New skills and human resources enhancement;

// Commitment to quality.

// Creativity, innovation and continuous improvement of processes.

// Respect for data source owners.

// Successful partnerships with external entities.

// Satisfaction of different statistical needs

It is in this framework that the Statistical Confidentiality Policy is formalised, which is part of the Information Security Management System (ISMS) of Statistics Portugal, and constitutes the public commitment regarding compliance with the Principle of Statistical Confidentiality, undertaken by Statistics Portugal, as the central body responsible for coordinating and developing national statistical activity, by the Regional Statistical Services of the Autonomous Regions of the Azores and Madeira, and by entities with powers delegated by the Board of Directors of Statistics Portugal.

The Principle of Statistical Confidentiality is indispensable for trust in the National Statistical System (SEN) and is enshrined in the statistical legislation as one of the fundamental pillars of official statistical production.

This principle determines that all data of an individual nature collected by the authorities for statistical purposes is of a confidential nature and

may not be disclosed to third parties; its breach, whether intentional or not, is severely sanctioned by Law, constituting a very serious administrative offence and, in cases involving breach of the duty of professional secrecy, entailing disciplinary and criminal liability.

Considering its concern to ensure the confidentiality of the data it collects, processes and disseminates, Statistics Portugal incorporates a set of practices and methods in its statistical production process.

These practices and methods protect the confidentiality of data on natural and legal persons and consist, on the one hand, of the application of statistical methods that minimise the risk of identification of data subjects and, on the other hand, of the adoption of technical and organisational measures that guarantee the security of the information at all stages of the statistical process, protecting it from destruction, loss, accidental or illicit alteration and allowing the traceability of all accesses.

General framework

The Statistical Confidentiality Policy of Statistics Portugal stems from the Constitution of the Portuguese Republic, from Law no. 22/2008, of 13 May, which establishes the principles, rules and structure of the National Statistical System and in particular the Principle of Statistical Confidentiality (Article 6), from the Regulation (EC) 223/2009 of 11 March (article 20 and following), amended by Regulation 2015/759 of 29 April, establishing the legal framework for the development, production and dissemination of European Statistics, and Regulation (EU) 557/2013 of 17 June concerning access to confidential data for scientific purposes.

It is also governed by the principles agreed among EU Member States and enshrined in the European Statistics Code of Practice (2nd revision/2017), namely principle 5 on Statistical Confidentiality and, more broadly, by the Fundamental Principles of Official Statistics, established by the United Nations Statistical Commission in 1994 and endorsed by the United Nations General Assembly in January 2014 (principle 6).

Regarding the processing of personal data, the exercise of statistical activity also complies with Regulation (EU) 2016/679 of the Parliament and of the Council of 27 April, which lays down the rules on the protection of natural persons with

regard to the processing of personal data and on the free movement of such data and other legislation applicable in this area.

General rules on statistical confidentiality

The following general rules shall apply to the protection of statistical confidentiality of individual data concerning natural or legal persons:

// They may not be made available for sanctioning, inspection or any other similar purposes.

// No service or authority may order or authorise access or consultation thereof, in particular courts, police, inspection services or tax authorities.

// They may not be disclosed in a way that allows for the direct or indirect identification of the natural or legal persons to whom they relate, and they must be anonymised in accordance with best methodological practices.

// Professional secrecy applies to all those who work in the production of official statistics (national and European), even after their duties have ceased, whether they are employed by the public institutions that comprise the SEN, or are service providers or others who, in the course of their duties, have access to information of an individual nature.

// All hired staff (in any type of regime or collaboration) sign a confidentiality commitment statement. Any contracts or protocols related to official statistical activity and involving access to individual data must include a confidentiality commitment statement.

// The signature of the abovementioned statement does not exempt all those who carry out, or intend to carry out, work inherent to the exercise of official statistical activity from ensuring the use of appropriate technical and organisational measures to ensure the physical and organisational security of all data to which they have access.

// Any contractual clauses which in any way, directly or indirectly, exempt from the obligation to safeguard the confidentiality of individual data are null and void.

// Breach of the rules inherent to the compliance with the Principle of Statistical Confidentiality shall determine immediate termination of the contract and forfeiture of any right to compensation, without prejudice to any disciplinary and/or criminal liability.

// The clear commitment to information confidentiality and protection of individual privacy is public and can be found on the websites of Statistics Portugal, the Regional Statistical Service of the Azores, the Regional Directorate of Statistics of Madeira and of the entities with powers delegated by the Board of Directors of Statistics Portugal, ensuring that all individual data collected are confidential, including those from administrative or other sources.

Special rules for making individual data available

Individual data can be made available on:

// The Public Administration, provided that there is no law to the contrary.

// Legal persons, or relating to the business or professional activity of a natural person provided that they are public by force of law.

// Natural or legal persons, provided that there is unambiguous consent from the data subject.

// Natural or legal persons, with prior authorisation from the Higher Statistical Council (CSE), in exceptional situations, as provided for respectively in article 6 (5) and (6) of the SEN Law, and only in an anonymised form and subject to strict information security rules that ensure the confidentiality of the information and avoid any risk of identification.

// Natural or legal persons, intended for the pursuit of scientific purposes in the situations set out in Articles 7 and 8 of the SEN Law, only in an anonymised form and subject to an agreement between assignor and requestor and

the application of strict rules that ensure the protection of confidentiality of the information and avoid any risk of identification.

Statistical process: methods and procedures for the protection of statistical confidentiality **confidencialidade**

The privacy of data providers and the confidentiality of the information they provide are inherent to the whole process of producing official statistics. It is in this context, in accordance with the best international statistical practices and in order to ensure the confidentiality of the information of each statistical operation throughout its life cycle, including the moment when the statistical results are disseminated, that in each new operation the information security requirements are revisited, reconsidered and documented.

The information security requirements are set out in the Information Security Policy and are broken down into policies and procedures that are divided, as to the nature of the aspects they aim to protect, into physical security measures (barriers that limit direct contact or access to information or to the infrastructure that supports it) and logical security measures (barriers that are based on the architecture defined for the technological infrastructure and which prevent and limit access to data).

In the case of individual data of natural persons, these practices and measures also make it possible to meet the requirements arising from the legal rules governing the protection of personal data and the defence of privacy, namely the Constitution of the Portuguese Republic and the General Data Protection Regulation (Regulation (EU) 2016/679, of 27 April) and other legislation applicable in this area.

Statistical process: design, collection, processing, analysis and dissemination phases

It is therefore in this context that the phases of preparation and handling of individual information stand out, namely through the preparation of micro-data and the calculation of aggregate data (design and collection, processing and analysis phases).

Specify Needs	Design	Build	Collect	Process	Analyse	Disseminate	Evaluate
1.1 Identify needs	2.1 Design outputs	3.1 Reuse or build collection instruments	4.1 Create frame and select sample	5.1 Integrate data	6.1 Prepare draft outputs	7.1 Update output systems	8.1Gather evaluation inputs
1.2 Consult and confirm needs	2.2 Design variable descriptions	3.2 Reuse or build processing and analysis components	4.2 Set up collection	5.2 Classify and code	6.2 Validate outputs	7.2 Produce dissemination products	8.2 Conduct evaluation
1.3 Establish output objectives	2.3 Design collection	3.3 Reuse or build dissemination components	4.3 Run collection	5.3 Review and validate	6.3 Interpret and explain outputs	7.3 Manage release of dissemination products	8.3 Agree an action plan
1.4 Identify concepts	2.4 Design frame and sample	3.4 Configure workflows	4.4 Finalise collection	5.4 Edit and impute	6.4 Apply disclosure control	7.4 Promote dissemination products	
1.5 Check data availability	2.5 Design processing and analysis	3.5 Test production systems		5.5 Derive new variables and units	6.5 Finalise outputs	7.5 Manage user support	
1.6 Prepare and submit business case	2.6 Design production systems and workflow	3.6 Test statistical business process		5.6 Calculate weights			
		3.7 Finalise production systems		5.7 Calculate aggregates			
				5.8 Finalise data files			

Source: INE, I.P., Handbook of Statistical Production Process, 3rd edition – V.2.0, 2020.
Reference model: Generic Statistical Business Process Model (GSBPM), UNECE

In all phases of the statistical production process,
individual data is accessed according to the need-
to-know principle, through privileges and access
control as established in the SGSI.

The design phases are characterised, namely,
by the definition of the context of the statistical
operation, the reason for carrying it out and
the legal grounds, the list of available sources,
the type of statistical operation and units to be
surveyed, the planning of human resources,
funding, IT and methodological requirements,
the development of the collection media and
the configuration of flows in order to ensure data
security and information confidentiality.

Additionally, and in accordance with the General
Data Protection Regulation, in the case of
statistical operations involving personal data
that are likely to entail a high risk to the rights and
freedoms of natural persons, a specific analysis
called Data Protection Impact Assessment (DPIA)
is conducted at the design specification stage
(Phase 3) of the respective operation.

At the collection stage, the protection of confidentiality of individual data collected directly (primary information) from information providers through surveys is defined according to the different collection modes (electronic, face-to-face, telephone, postal, or combination of methods).

The information providers are informed in advance of the aspects determining the survey's implementation, namely the exclusively statistical purpose of the data collected and the confidential nature of the information provided. Statistics Portugal also makes available, through its service oriented to the electronic data collection additional information on each of the surveys, as well as a set of frequently asked questions (companies and individuals and households), which allow more detailed explanations to be obtained.

The electronic transmission of data from other sources (indirect collection) is carried out in such a way as to ensure the confidentiality, integrity and availability of the information, through the selection of the most secure mechanisms in relation to the process agreed upon with the external sources, namely: Statistics Portugal's private cloud, dedicated circuits, secure network protocols, use of Virtual Private Network (VPN).

In the processing and analysis phases, data are processed in order to obtain new variables and units (from aggregation and other estimation methods) and thus calculate statistical aggregates and proceed to the final tabulation of results for dissemination.

The most appropriate statistical disclosure control methods are applied to each statistical operation, consisting of the analysis and modification/disruption of the original data in order to eliminate the possibility of direct identification or to minimise the identification or indirect identification of the data subjects, without involving disproportionate effort and costs.

With regard to the processing of data obtained from administrative, or other, sources, the treatment of data confidentiality follows the process described above.

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