

Pursuant to Article 65, Paragraph 4, of the Official Statistics Act (Official Gazzete, Nos 103/03, 75/09 and 59/12), the Director General of the Croatian Bureau of Statistics has adopted the

ORDINANCE

ON CONDITIONS AND TERMS OF USING CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

I. GENERAL 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

In terms of this Ordinance, particular expressions have the following meanings:

1. "Confidential data for scientific purposes" mean statistical data that enable only the indirect identification of a statistical unit
2. "Direct identification" means the identification of a statistical unit on the basis of its name/name and surname, address or publicly accessible identification number.
3. "Indirect identification" means the identification of a statistical unit on the basis of any other means but the direct identification.
4. "Identifier" means any unequivocal specific feature that may lead to direct or indirect identification of an individual reporting unit.
5. "The European Commission (Eurostat)" means the Statistical Office of the European Union.
6. "Research entity" means a legal entity entered into the register of scientific organisations kept by a competent registry body in the Republic of Croatia in line with special laws, or a legal entity included in a list of recognised research entities of the European Commission (Eurostat), which carry out statistical analyses for scientific purposes pursuant to specific EU laws.
7. "Researcher" means a scientist entered into the register of scientists kept by a competent registry body in the Republic of Croatia in line with specific laws, a doctor's degree candidate enrolled in a postgraduate university doctoral study at the research entity or a scientist entered into another respective state registry kept for registering scientists outside the Republic of Croatia, whose link to the research entity must allow the research entity to impose disciplinary sanctions on the researcher in the event of negligent or deliberate misuse of the data.
8. "Individual researcher" means a scientist entered into the register of scientists kept by a competent registry body in the Republic of Croatia pursuant to specific laws, who individually submits the application for access to the data for scientific purposes
9. "Anonymised data" mean the data processed by using the statistical disclosure control methods in order to reduce the risk of the identification of the statistical unit to which these data refer to the lowest possible extent.
10. "Research project" means a time-limited scientific and research activity (including researches carried out within a postgraduate university doctoral study for the purpose to prepare the doctoral work) carried out by researchers at the research entity or individual researchers, with clearly defined purpose of the research, main researcher, associates in the

research (if any), research methods, duly justified need for the use of statistical data, expected form of results that will be published and the time frame of the research.

II. CONDITIONS OF THE ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

Article 3

The access to confidential data for scientific purposes may be granted if the following conditions, in addition to the conditions defined in the provisions in Article 65 of the Official Statistics Act, are fulfilled:

- The application has been submitted by an individual researcher or a research entity as defined in Article 2 of this Ordinance
- The application for the access to confidential data for scientific purposes has been granted
- All researcher for whom the research entity requests the access to confidential data for scientific purposes have signed the confidentiality declaration
- The contract between the Bureau and the research entity or the individual researcher has been signed.

The access to confidential data for scientific purposes shall not be granted to research entities or individual researchers who, when using the data for scientific purposes, failed to act in line with the provisions of the signed contract or laws pertaining to the confidentiality and safekeeping of the confidential statistical data.

Article 4

The access to confidential data for scientific purposes may be granted only for the period of the duration of the research project.

The research entity or the individual researcher may be granted the extension of the access defined in Paragraph 1 of this Article on the basis of a separate application that shall be submitted within 30 days after the expiry of the contract.

The longest duration of the access to confidential data for scientific purposes shall be five years, including the prolonged duration of the access.

III. MODE OF THE ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

Article 5

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

1. The access to data in the "safe room"
2. The "remote" access to the data
3. The access to data in a coded form at a transportable medium for saving the data.

In their applications, the research entity or individual researcher shall suggest the mode of the access to data and the Bureau shall decide on the mode of the access.

The access to data in the "safe room"

Article 6

The access to data in the "safe room" shall provide for the access to confidential data that prevent the direct identification of the statistical unit.

The research shall be carried out exclusively for that purpose in determined premises of the Bureau and under the supervision of a Bureau's employee in charge.

The access location shall be situated in the locked room the access to which has been granted exclusively to accredited persons.

Researchers or individual researchers who are to access the confidential data in the "safe room" shall be equipped with a computer with installed statistical analyses programmes.

In case the researcher of individual researcher requests other statistical tools to be provided to them, those tools shall be installed to the computer, according to the researcher's request, after the presentation of the validly licenced installment media.

The researcher or individual researcher may request the installation of their own programmes that they are going to apply in the requested tools.

In case the Bureau cannot provide for a computer the technical specifications of which meet the researcher's needs, the individual researcher or research entity may request, in order to meet the needs of the analysis of confidential data in the "safe room", the use of a computer now owned by the Bureau, for which a separate contract shall be signed.

The researcher shall not print or copy data, connect recording devices to the external interfaces, connect to internet, install or remove hardware or software, boot the access point from floppy, CD-ROM, DVD-ROM or any other media or access the internal production network of the Bureau.

The verification of whether the statistical analysis results carried out in the "safe room" may allow the direct or indirect identification of statistical units shall be performed by the organisational unit that is in charge of data to be accessed in cooperation with the organisational unit in charge of statistical infrastructure and methodologies.

The statistical analysis results that do not allow either direct or indirect identification of statistical units shall be delivered to the researcher by e-mail and not later than a week from the date when the analysis has been done.

The "remote"access to data and the access in a coded form at a transportable medium for data saving

Article 7

The "remote"access to data and the access in a coded form at a transportable medium for data saving allow the access to the data protected, along with removing the direct identifier from it, by using the statistical disclosure control methods (anonymised data).

In order to define if the identification of a statistical unit is enabled, all relevant means the third party may reasonably use in the identification of the statistical unit shall be taken into account.

The standard anonymisation methods shall be determined by the organisational unit that is in charge of data to be accessed in cooperation with the organisational unit in charge of statistical infrastructure and methodologies and with the technical support by the organisational unit in charge of information technologies.

IV. SUBMITTING AND ATTENDING TO APPLICATIONS FOR THE ACCESS TO DATA

Article 8

The application for the access to confidential data for scientific purposes shall be submitted to the organisational unit of the Bureau in charge of the customer relations on application forms presented in Attachment 1 or Attachment 1a of this Ordinance, which are its constitutive part, in writing or by e-mail – scanned.

The application shall be written in readable capital letters, fully completed and signed by a person in charge in the research entity or by the individual researcher.

The attachments to the application must not be older than 90 days after the submission of the applicaton.

The research entity or the individual researcher shall take penal and tort liability for the accuracy of information stated in the application from Paragraph 1 of this Article.

Article 9

The organisational unit in charge of the customer relations shall determine if the application is complete and, if needed, contact the applicant for its completion.

The organisational unit in charge of the customer relations shall deliver the completed applications to the president of the Statistical Confidentiality Committee respecting the order of the reception of applications.

Article 10

The Statistical Confidentiality Committee

The application for the access to confidential data for scientific purposes shall be considered by the Statistical Confidentiality Committee (hereinafter: Committee).

The Committee members and theri deputies shall be nominated by the Director General of the Bureau by making a special decision and their number must be odd.

The members shall be the employees of the Bureau who are the managers in charge of methodologies, social, business and economic statistics, agricultural and environmental statistics, dissemination and information technologies, a person in charge of the protection of individual data and a legal officer.

The president of the Committee shall be a manager in charge of methodologies.

The member deputies shall substitute the members only in case of their absence from work. The Committee shall adopt the decision proposals by majority of all votes.

Article 11

Within the scope of its competences, the Committee shall consider the application having in mind the risk of the identification of the statistical unit and the impact of the identification of the statistical unit to the statistical unit and the Bureau, and proposes the adoption of a decision on approval/rejection the application to the Director General.

The decision proposals on approval/rejection of the application must be duly explained and in the written form.

In case of the proposal on approval of the application, the Committee determines the mode of the access to the confidential data.

Article 12

Based on the decision proposal of the Statistical Confidentiality Committee, the Director General of the Bureau, as a rule, makes the decision on the approval/rejection of the application within 15 days after the reception of the fully completed application.

Article 13

The organisation unit in charge of the customer relations shall, based on the explanation given by the Committee and the Director General's decision, inform the applicant in writing about the Bureau's decision on the application.

Confidentiality declaration

Article 14

The researchers of the reserach entity who have been granted the access to the confidential data for scientific purposes shall be obliged to sign the confidentiality declaration by which they commit themselves to the protection and confidentiality concerning the data they will access.

The confidentiality declaration shall be submitted on the form presented in Attachment 2 of this Ordinance, which is its constituent part.

Contract on th use of confidential statistical data for scientific purposes

Article 15

A special contract between the Bureau and the research entity or the individual researcher shall be signed on the use of cofidential statistical data for scientific purposes within 15 days after the application has been approved.

The contract defined in the previous Paragraph of this Article shall contain the provision by which the research entity or individual researcher shall undertake, under penal and tort liability, to use the statistical data exclusively for purposes defined in the application, to not submit or transfer them to any unaccredited persons or otherwise disclose them to any third party as well as to distroy them after usage.

The confidentiality declaration of researcher/s of the research entity stated in the contract shall be the constituent part of the contract on the use of confidential statistical data for scientific purposes.

Handling of the confidential data for scientific purposes

Article 16

The access to confidential data for scientific purposes shall be provided to individual researchers or researchers of the research entity whose names are stated in the contract on the use of confidential statistical data for scientific purposes.

The research entity or individual researcher shall be responsible for undertaking all necessary legal, administrative, technical and organisational measures to protect the confidential data for scientific purposes that have been put to their disposal according to the contract on the use of confidential data for scientific purposes, particularly for the appropriate physical safety of premises and computer systems, the appropriate way of safeguarding the data in the computer system (the computer on which the confidential data are saved must be password-protected and kept in the locked room), the appropriate mode of safeguarding the media on which the data are saved and the appropriate way of safeguarding the confidential analysis data (the limited access to the room and computer in which the results are saved).

Article 17

After the completion of the research project, and not later than 60 days after the date when the research results were published or otherwise disseminated, the research entity or individual researcher shall undertake to make available to the Bureau all the links to the published/disseminated results of the research for which the data were used.

Article 18

In the case that the Bureau learns that the research entity, researcher or individual researcher violated the conditions for the access to confidential data, it shall without delay temporarily cease the access to the data concerned.

The Statistical Confidentiality Committee shall consider the authenticity of the information on the violation of the conditions for the access to confidential data and shall propose the further line of action to the Director General.

In case that the Committee finds out that the information on the violation of the conditions for the access to the confidential data are authentic, the Bureau may temporarily or permanently ban the access to the confidential data and abrogate the contract with the research entity or individual researcher on the use of data and act in line with the penal provisions of the Official Statistics Act.

Costs

Article 19

The costs of the access, preparation and processing by a specific request shall be settled by the research entity or individual researcher who request the access to the data according to the price list determined by the Director General.

Records of users of confidential statistical data for scientific purposes

Article 20

The organisation unit in charge of the customer relations shall keep the records of research entities and individual researchers who were granted the access to the confidential data for

scientific purposes and of the purpose for which the data were handed over to be used based on the information given by the Statistical Confidentiality Committee.

V. TRANSITION AND FINAL PROVISIONS

Article 21

The provisions of the Articles 37 to 39 of the Ordinance on the Mode of Protection of Statistical Data, Class 950-01/04-01/16, Ref. No. 555-11-01-04-1 of 2 July 2004 shall cease to have effect by virtue of the entry into force of this Ordinance.

Article 22

This Ordinance shall enter into force eight days from the date of its announcement in the Official Gazette, with the exception of the provision of Article 5, Paragraph 2 that refers to the "remote" access to confidential data, which shall enter into force six months after the date of the entry into force of this Ordinance.

DIRECTOR GENERAL

Marko Krištof

CLASS: 011-01/13-01/17
REF. NO. 555-13-02-12-1

Zagreb, 30 October 2013

CROATIAN BUREAU OF STATISTICS
User Communication Department
Ilica 3
10000 Zagreb

**APPLICATION FORM FOR AN ACCESS TO CONFIDENTIAL DATA
FOR SCIENTIFIC PURPOSES**

I. INFORMATION ON RESEARCH INSTITUTION

Name

Contact details (address, VAT ID number, telephone, email, web address, country of residence)

Registration/ identification number

II. INDIVIDUAL RESEARCHER(S) WHO WILL HAVE ACCESS TO CONFIDENTIAL DATA

Name and surname¹

¹ Make sure to enter data on all researchers who will have access to confidential data and to attach a transcript from the register of researchers in the Republic of Croatia or to enter a state register number for researchers residing outside the Republic of Croatia.

Contact details (address, VAT ID number, telephone, email, web address, country of residence)

Registration/ identification number²

III. INFORMATION ON RESEARCH FOR WHICH AN ACCESS TO CONFIDENTIAL DATA IS REQUESTED

Title of the research

Purpose of the research

Brief description of the research

² Make sure to enter the number of the document that confirms and explains the researcher's link with the research institution.

Objective of the research

Please explain why the purpose of the research cannot be fulfilled using non-confidential data.

Please indicate the duration of the research project

IV. CONFIDENTIAL DATA SETS TO BE USED

Please indicate the type(s) of confidential data for scientific purpose to be used.

Please indicate the data access option:

- a) access to data in the safe room
- b) remote access
- c) access to data via the encrypted CD-ROM

Please indicate the methods of statistical analysis to be used.

Please describe the expected outcomes of the statistical analysis of the data.

Please indicate in what form and where the results of the research will be published or otherwise disseminated (printed publications, online publications, conferences, web, etc.).

V. SAFEKEEPING OF CONFIDENTIAL DATA

Please describe the safekeeping of the medium containing the confidential data³.

Please describe safekeeping of the intermediate results of the analysis of the confidential data.

I hereby certify that the information contained in this questionnaire is complete, accurate and correct and that any future change will be reported immediately to the Croatian Bureau of Statistics. I also undertake that the researchers that have an access to confidential data for scientific purposes shall use the received data only for the purpose for which they were provided and shall ensure that any access to third party will be prevented. The Croatian Bureau of Statistics is authorised to verify the accuracy of the information given in this questionnaire.

SIGNATURE⁴

³ Refers only to the access to data via the encrypted CD-ROM.

⁴ Signature of the person in charge in the research institution.

CROATIAN BUREAU OF STATISTICS
User Communication Department
Ilica 3
10000 Zagreb

**APPLICATION FORM FOR AN ACCESS TO CONFIDENTIAL DATA
FOR SCIENTIFIC PURPOSES**

I. INFORMATION ON INDIVIDUAL RESEARCHER

Name and surname

Contact details (address, VAT ID number, telephone, email, web address, country of residence)

Researcher's registration number

II. INFORMATION ON RESEARCH

Title of the research

Purpose of the research

Brief description of the research

Objective of the research

Please explain why the purpose of the research cannot be fulfilled using non confidential data.

Please indicate the duration of the research project.

III. CONFIDENTIAL DATA SETS TO BE USED

Please indicate the type(s) of confidential data for scientific purpose to be used.

Please indicate the data access option:

- d) access to data in the safe room
- e) remote access
- f) access to data via encrypted CD-ROM

Please indicate the methods of statistical analysis to be used.

Please describe the expected outcomes of the statistical analysis of the data.

Please indicate in what form and where the results of the research will be published or otherwise disseminated (printed publications, online publications, conferences, web, etc.).

IV. SAFEKEEPING OF CONFIDENTIAL DATA

Please describe the safekeeping of the medium containing the confidential data¹.

Please describe safekeeping of the intermediate results of the analysis of the confidential data.

¹ Refers only to the data access via encrypted CD-ROM.

I hereby certify that the information contained in this questionnaire is complete, accurate and correct and that any future change will be reported immediately to the Croatian Bureau of Statistics. I also undertake that I shall use the received data only for the purpose for which they were provided and shall not transmit or in any other way reveal them to any third party.

The Croatian Bureau of Statistics is authorised to verify the accuracy of the information given in this questionnaire at any time.

INDIVIDUAL RESEARCHER²

² Signature of the individual researcher.

CONFIDENTIALITY DECLARATION OF THE RESEARCHER WHO HAS THE ACCESS TO CONFIDENTIAL DATA

By signing this declaration I will be bound to handle the confidential statistical data to which I was granted the access based on the contract between the Croatian Bureau of Statistics and _____¹, Contract No. _____, in the following way.

- I will use the dataset only for the carrying out the research specified in the contract and application concerned.
- I will safeguard the confidentiality of the data and any usernames and passwords associated with the access to the data.
- I will ensure that any results of the analysis, in all phases of the research, will not be disclosive or potentially disclosive in conjunction with other publicly available information.
- In any research report or publication I will acknowledge the data source and also state that the results and conclusions are mine and not those of the Croatian Bureau of Statistics.
- I will provide the Croatian Bureau of Statistics with references to publications and other research reports based on this dataset.
- I will destroy the dataset and any data or variables derived from it at the end of the research period specified in the contract.
- I will handle the used data pursuant to the provisions of the Regulation (EC) of the European Parliament and the Council on European statistics, the Official Statistics Act and the Ordinance on Conditions and Terms of Using Confidential Statistical Data for Scientific Purposes.

I will also be bound not to:

- make copies of the data
- allow others to access the dataset
- remove the data or any part of it
- attempt to link the data to other datasets
- attempt to identify any individual record
- release or publish any information which identifies any individual record or may lead to the identification of any individual record.

Signature:

Name and surname:

Date:

¹ Make sure to state the title of the scientific institution (research entity) and the contract number