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**A.5 – Methodology; Innovation in official statistics**

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# Guidelines for the assessment of research entities, research proposals and access facilities

**Luxembourg, May 2023**

**(version 2.1)**

**Contents**

## 1. UPDATES

| Date of notification of changes to the ESSC/WGSC | Scope of the changes | Conclusions |
|---|---|---|
| 7 February 2013 (ESSC meeting) | Guidelines proposed for adoption<br>Proposal to clarify a definition of the student<br>Suggestion to make linguistic revision | Adoption of the guidelines by the ESSC<br><br>Final revision of the text before entry into force of the regulation |
| April 2013 | Revision of the guidelines in accordance with ESSC comments<br>Revised version of the guidelines sent to the WGSC | |
| June-August 2013 | Small revisions of the application forms | No ESSC consultation |
| June 2014<br><br>(version 1.2.2) | Small revisions of the text and application forms | No ESSC consultation |
| April 2015<br><br>(version 1.2.3) | Addition of Micro-Moments Dataset to the list of confidential datasets in items 3.1 and 3.2 of the Research proposal application form (Annex 12.5 to the Guidelines) | No ESSC consultation |
| June 2016<br><br>(version 1.3) | (1) Replacement of Working Group on Statistical Confidentiality by WG on Methodology<br>(2) Addition of Household Budget Survey to the list of confidential datasets in item 3.1 of the Research proposal application form (Annex 12.5 to the Guidelines)<br>(3) removal of outdated information | No ESSC consultation |
| November 2016<br><br>(version 1.4) | Alignment of the forms (Annexes: 12.2, 12.3, 12.4 and 12.5) with the recommendations of the European Data Protection Supervisor | No ESSC consultation |
| April 2018 | Change of modalities for the transmission of scientific use files | No ESSC consultation |

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| (version 1.5) | Addition of a model of confidentiality undertaking for international organisations<br><br>Clarification of some procedural aspects (example: procedures for updates of running projects)<br><br>Removal of obsolete information (example: transitional measures between the Regulation 831/2002 and the regulation 557/2013) | |
| February 2020<br><br>(version 1.6) | Additional question in the recognition application about national personal data protection laws (for non-EU entities only)<br><br>Research proposal application:<br>-addition of the Harmonised European Time Use Survey (HETUS) and the Farm Structure Survey (FSS) to the list of surveys available for scientific purposes<br>-removal of the question about new releases of confidential data<br><br>Some linguistic improvements | No ESSC consultation |
| April 2020<br><br>(version 1.7) | Addition of special measures allowing researchers to access scientific use files from home at the time of closing of research entities due to the coronavirus pandemic | |
| October 2021<br><br>(version 2.0) | **Addition of accreditation criteria for access facilities – access points in recognised research entities allowing to connect to remote access system provided by the Commission (new section 6)**<br><br>Removal of Micro Moments Dataset as it is outdated (data 2000-2010) and hardly used by researchers<br><br>Including United Kingdom in the list of countries covered by adequacy decision. | ESS Consultation (October 2021)<br><br>**Entry into force: 3 January 2022** |

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|---|---|---|
| | Entry into force of the Regulation 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies on personal data protection and on the free movement of such data, and repealing Regulation (EC) No 45/2001<br><br>Adding information to researchers about publication of research projects' titles.<br><br>Linguistic improvements (confidential data replacing data/microdata etc.)<br><br>Removal of obsolete information | |
| May 2023<br><br>(version 2.1) | **Update of safekeeping measures for scientific use files**<br><br>**Other small updates and clarifications**<br><br>September 2023: forms updated to account for entry into force of EU-US Data Privacy Framework | No ESSC consultation |

## 2. INTRODUCTION

The Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002, hereinafter referred to as "Regulation", lays down the general principles and conditions for access to such data. These guidelines accompany the Regulation and turn the legal measures into practical solutions ready for implementation. These guidelines, and in particular the annexes with models of application forms, a confidentiality undertaking and an individual confidentiality declaration, refer to the current situation; i.e. currently available confidential data for scientific purposes, access facilities, access modes, and will be updated, if duly justified in accordance with procedural arrangements laid down in section 3.

The guidelines became effective on the date of entry into force of the new Regulation.

Each subsequent change in the guidelines is subject to the opinion of the Working Group on Methodology (WGM) and, where requested, of the European Statistical System Committee (ESSC) (for further details, see: section 3).

The guidelines:

(1) establish the practical arrangements for the assessment of:

- research entities;
- research proposals;
- access facilities.

(2) describe the confidential datasets for research use;

(3) specify the safeguards in place to ensure security of the confidential data;

(4) describe possible sanctions.

## 3. PROCEDURAL ARRANGEMENTS FOR UPDATING/MODIFYING THESE GUIDELINES

(1) The technical responsibility for changing the Guidelines for assessing research entities, research proposals and access facilities lies with the Working Group on Methodology.

(2) The Working Group on Methodology may directly endorse a specific change or decide that the specific update/modification requires the endorsement of the ESS Committee because of its administrative, organisational or financial implications for the National Statistical Institutes. In the latter case, the Working Group on Methodology will invite Eurostat to address the ESS Committee. The ESS Committee will give its opinion on the proposed changes to the Guidelines.

(3) The consultation of the Working Group on Methodology regarding possible changes to the Guidelines can be made either during meetings of the Working Group or via written consultation.

(4) Both Eurostat and National Statistical Institutes may take the initiative to propose changes to parts of the Guidelines. Reasons for the proposed changes must be clearly set out and the necessary information must be provided to the Working Group on Methodology.

(5) Although the Guidelines may in principle be updated/modified at any point in time, Eurostat shall do its best to keep the content of the Guidelines stable over time and changes should be proposed only in duly justified cases.

(6) The date of application of endorsed changes to the Guidelines will be established by Eurostat following the recommendation of the Working Group on Methodology or the ESS Committee for changes endorsed by that Committee.

## 4. RESEARCH ENTITIES: GUIDELINES FOR ASSESSMENT

The Regulation (Article 3: General principles) states that the Commission (Eurostat) may grant access to confidential data for scientific purposes provided that such access is requested by a recognised research entity. This section summarises the criteria to be fulfilled by research entities according to the Regulation and describes the practical arrangements for assessing them.

### 4.1. Assessment criteria

Article 4 of the Regulation stipulates that recognition of research entities is to be based on criteria referring to:

(1) **purpose of the entity;** assessment of the purpose of the entity shall be carried out on the basis of its statute, mission or other declaration of purpose; the purpose of the entity shall include reference to research;

(2) **established record or reputation of the entity** as a body producing quality research and making it publicly available; the experience of the entity in carrying out research projects shall be assessed on the basis of, inter alia, available lists of publications and research projects in which the entity was involved;

(3) **internal organisational arrangements for research;** the research entity shall be a separate organisation with legal personality, focused on research or a research department within an organisation; the research entity must be independent, autonomous in formulating scientific conclusions and separated from policy areas of the body to which it belongs;

(4) **safeguards in place to ensure security of the confidential data;** the research entity shall comply with technical and infrastructure requirements assuring the security of the confidential data. Specific requirements for storage of confidential data for scientific purposes and management of access rights are set out in section 8.

### 4.2. Practical arrangements for assessment (recognition procedure)

An entity wishing to be recognised as a research entity has to submit the following documents to Eurostat:

(1) Application form, filled in and signed by the research entity's duly designated representative;

(2) Confidentiality undertaking and terms of use, filled in and signed by the research entity's duly designated representative.

Eurostat assesses the information provided in the above-mentioned documents. If the assessment is positive, the name of the research entity is published on the Eurostat website[1]. Eurostat provides national statistical authorities with information received from

([1]) http://ec.europa.eu/eurostat/web/microdata/overview

applicants. Recognition of the research entity enables researchers from that entity to submit research proposals (see section 5).

#### *4.2.1. Application form*

In the application form, the research entity has to provide information on its ability to comply with the assessment criteria specified in section 4.1. The research entity may be asked to update the information provided in the application form, or to provide further information.

The research entity should inform Eurostat of any changes in the entity's organisational structure. If an already recognised research entity fails to comply with its obligations according to the confidentiality undertaking or no longer fulfils the criteria enumerated in section 4.1, Eurostat will remove its name from the list of research entities, meaning that the entity concerned will no longer be recognised as a research entity. All on-going projects carried out by the entity's researchers will be stopped and new research proposals will not be accepted.

Once the research entity is recognised and a confidentiality undertaking is signed, researchers from the entity are allowed to submit research proposals.

#### *4.2.2. Confidentiality undertaking*

The purpose of the confidentiality undertaking is to spell out the research entity's obligations on the basis of Regulation (EC) No 223/2009 and its liability towards the Commission (Eurostat). It constitutes, together with the terms of use attached to it, a licence. Three models of confidentiality undertaking exist:

1. Model to be used by entities located in the EU, EEA and in the countries covered by Commission decisions on the adequacy of the protection of personal data ([2]);

2. Model to be used by entities located outside the countries specified above;

3. Model to be used by international organisations.

Eurostat follows closely the changes in the list of countries covered by Commission decisions on the adequacy of the protection of personal data. In case a country is removed from the list, the entities located in that country will have to sign the second model of confidentiality undertaking. This will be a precondition for any new microdata access request or any amendment to a running project. In the confidentiality undertaking, the research entity's duly designated representative makes a commitment to ensuring that confidential data for scientific purposes are accessed only for the appropriate research proposal(s) and to guaranteeing the security of the confidential data, including preventing violation of confidentiality and taking action should it occur. The confidentiality undertaking covers all researchers that have access to confidential data on the basis of research proposals submitted and approved. The confidentiality undertaking constitutes the research entity's commitment to complying with confidentiality requirements and the terms of use of confidential data. It also informs the entity of its potential liability

([2]) Commission decisions on the adequacy of the protection of personal data in third countries are available here: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

towards the Commission, under both penal and civil law. Finally, the undertaking identifies a contact person responsible for organising access in the research entity in accordance with the relevant obligations. Eurostat's acknowledgement of receipt of the signed undertaking and publication of the name of the entity will enable the researchers from the recognised research entity to submit research proposals.

## 5. RESEARCH PROPOSALS: GUIDELINES FOR ASSESSMENT

Researchers belonging to a recognised research entity and wishing to be granted access to confidential data for scientific purposes have to submit the following documents to Eurostat:

(1) Research proposal;

(2) Individual confidentiality declaration.

The researchers should:

– be linked to the research entity through an employment contract,

or

– be linked to the research entity through a service contract (in duly justified cases),

or

– be a senior student recognised by a supervisor employed by the research entity (by senior student we mean PhD student or other higher-grade students carrying out advanced research projects; the supervisor of the senior student must be identified in the research proposal as a principal researcher and a senior student as an individual researcher).

The link between the researcher and the research entity must allow the research entity to impose disciplinary sanctions on the researcher in the event of negligent or deliberate misuse of confidential data.

### 5.1. Assessment criteria

Article 5 (Research proposal) of the Regulation stipulates that the research proposal must state in sufficient detail:

(1) the legitimate purpose of the research;

(2) the explanation as to why this purpose cannot be fulfilled using non-confidential data;

(3) the entity requesting access;

(4) the individual researchers who will have access to the confidential data;

(5) the access facilities to be used;

(6) the data sets to be accessed, the methods of analysing them;

(7) the intended results of the research to be published or otherwise disseminated.

The maximum duration of a research project is five years. Additional extension of the project (beyond five years) requires justification.

The research proposal must include information on the person requesting access, his or her research entity, the confidential data requested and the mode of access. The criteria require that the research proposal states the legitimate purpose of the research, i.e. a scientific purpose, and that the results of the research are to be made public. The planned outputs (articles, presentations, books, etc.) have to be specified in the research proposal. The need to use confidential data for the research project should be justified. The research project should have cross-country or European dimension[3].

Research proposals have to be countersigned by the contact person in the entity and be accompanied by individual confidentiality declarations signed by the researchers who will have access to the confidential data. The contact person confirms by his/her signature that all persons named in the research proposal are employed by, respectively in the case of senior students formally related to, the research entity. The contact person shall inform researchers named in the research proposal about the obligations described in the terms of use of confidential data.

In cases where access to confidential data for scientific purposes has to be justified by an important public interest (e.g. health data), the research proposal must include a reference to the public benefit associated with the planned research and must ensure that insights arising from the use of confidential data will be made available to decision makers and the public.

In the process of assessing the research proposal, the relevant requirements of data protection legislation is taken into account.

### 5.2. Practical arrangements for assessment (procedure)

A research proposal is first assessed by Eurostat, taking into account the opinion of the technical unit responsible for the survey in question. If the proposal is initially approved by Eurostat, it is sent for consultation to the national statistical authorities which provided the data. The standard consultation period proposed is four weeks, though this period may be shortened in agreement with the national statistical authorities concerned. If the national statistical authority providing the data prefers to leave the assessment of research proposals to Eurostat, i.e. without being consulted, this may be done via agreements. After the deadline for consultation, scientific use files will be sent to the researcher or access to a secure use file will be opened in accordance with the national statistical authority's opinion.

It is assumed that if the national statistical authority does not make any comment during the consultation period, the research proposal is approved.

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([3]) Research proposals referring to data of one country only should normally be addressed to the relevant national statistical authority. Projects covering one country data only can be accepted for EUROMOD projects (relevant data are not available at national level) or for other projects referring to data not available at national level.

If the national statistical authority gives a negative opinion during the consultation period, the data provided by the national statistical authority concerned will be removed from the confidential data to be made available to the researcher. Other countries' data (data from national statistical authorities that have approved the research proposal, tacitly or explicitly) will be made available to the researcher.

The research proposal (research team, research objectives and methods) will be registered but will not require a specific contract. Eurostat will attach to the data file the terms of use of the confidential data for scientific purposes.

### 5.3. Special provisions for network/collaborative projects

In the case of a network project, each network partner requesting access to confidential data for scientific purposes must be recognised as a research entity (a confidentiality undertaking must be signed for all research entities participating in the project). One research proposal may be submitted by leading entity and covering all members of the project. Each researcher requiring access to confidential data has to submit a confidentiality declaration. The research proposal must be signed by the principal researcher and countersigned by the contact person in the leading entity. The contact persons in the other entities must confirm participation of their researchers in the project (via a separate form: confirmation of participation).

### 5.4. Modification of on-going research project

The research proposal is valid for the specified purpose (research project), period, datasets and research entity/entities. A request for amendment has to be submitted to Eurostat if any of the following situations arises:

- Another confidential data collection is needed;
- The scope of the project is changed (example: additional countries' data added to the analysis);
- A new research entity joins the project.

The approval of this amendment request is subject to consultation with the national statistical authorities. The duration of the consultation period is set to 2 weeks.

If an extension of the project is needed and/or a researcher is replaced or added to the team **within a research entity taking part in the project**, a principal researcher or contact person in the research entity should inform Eurostat of these changes in writing (no need to submit a new research proposal, no need to re-consult national statistical authorities). The new person joining the project must be linked to the entity participating in the project by employment contract, service contract or be a senior student in the entity (see above for the conditions for the necessary link between research entity and researchers named in the research proposal). If a new person does not belong to the entity participating in the project, the request to add a new research entity must be submitted and consulted with the national statistical authorities. An individual confidentiality declaration has to be signed by each researcher taking part in the project.

A new research proposal has to be submitted for a new research project.

# 6. ACCESS FACILITIES: GUIDELINES FOR ASSESSMENT (ACCREDITATION)

An access facility is defined in the Regulation as **the physical or virtual environment and the organisational setting** where access to confidential data for scientific purposes is provided. Access to confidential data for scientific purposes may be provided either by the Commission (Eurostat; at Eurostat safe centre) or by another access facility accredited by the Commission (Eurostat) (Article 3(1)(d) of the Regulation).

Remote access can be provided through an access point in a recognised research entity that connects to the remote access system provided by the European Commission. The access point corresponds to a room in the research entity where the access takes place. The access point matches the definition of access facility ("the physical or virtual environment and the organisational setting where access to confidential data for scientific purposes is provided") and therefore must be accredited.

This chapter presents the accreditation process and the requirements that access points located in the premises of recognised research entities need to meet in order to be accredited as access facilities. Accreditation allows researchers from the research entity hosting the access point to use the remote access system of the Commission. The accredited access point allows access to the Commission secure environment where confidential data are stored. The confidential data always remains in that secure environment.

## 6.1. Accreditation process

The following describes the process for research entities that wish their access points to be accredited:

(1) The duly designated representative of the research entity wishing to accredit an access point in the entity makes an application to Eurostat (see annexes) providing evidence of fulfilling the criteria and all the necessary information for the assessment;

(2) Eurostat assesses the application against the accreditation criteria specified in this document;

(3) Eurostat makes available to the national statistical authorities the information received in the application for accreditation (interest group on CIRCABC with restricted access to the delegates in the national statistical authorities that do the assessment of research proposals);

(4) The national statistical authorities can comment on the application within a deadline of 4 weeks;

(5) If the overall assessment is positive, Eurostat asks the representative of the research entity to sign the commitment annexed to the confidentiality undertaking and the terms of use of the access point;

(6) Upon reception of the signed commitment, Eurostat informs the research entity about the accreditation of the access point and assigns an accreditation number;

(7) Eurostat adds information about the accredited access points to the publicly available list of recognised research entities.

## 6.2. General requirements for access points

The research entity wishing to host an accredited access point must fulfil all conditions specified below:

- Be recognised as a research entity by Eurostat (full list: https://ec.europa.eu/eurostat/documents/203647/771732/Recognised-research-entities.pdf);
- Be located in one of the following countries ([4]):
  - the EU countries as well as in Iceland, Norway and Liechtenstein (covered by Regulation 557/2013 and by the GDPR) and in Switzerland (covered by Regulation 557/2013 and by the GDPR on the basis of a separate agreement), including EU institutions, bodies and agencies and international organisations based in these countries;
  - the countries covered by adequacy decisions ([5]).
- Fulfil the organisational requirements specified below and in the rules of use of access points;
- Fulfil the technical requirements specified below and in the rules of use of access points.

### *6.2.1. Organisational requirements for access points*

The research entity must designate **a person responsible for the access point.** This person must:

- Ensure the use of the access point by authorised persons only: this means researchers employed by or linked with the research entity (see chapter 4.2.1 of the guidelines) with a validated research proposal mentioning the use of remote access; only persons authorised for the same project may be present in the access point at the same time;
- Provide the services necessary for smooth and proper running of the access point (for example: run a system of access point reservation, collect statistics on access point use etc.);

([4]) The accreditation of access points located in other countries is possible in principle, but under additional conditions and contractual clauses as used for transferring personal data to non-EU countries. This option will be developed in a later phase.

([5])https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en (Please note that Canada will be treated as third country, as the adequacy only concerns commercial organisations).

– Retain physical access logs for at least six months and make it available to the Commission when requested;

– Ensure that the access point and the computers located in the access point comply with the technical requirements specified below and in the baseline security requirements (for access points and for computers) defined by Eurostat ([6]);

– Ensure that the access point is used in accordance with the terms specified in the Rules of use of access points (see annexes), confidentiality undertaking and terms of use of confidential data;

– Follow up immediately any abnormality, security incident or violation of the rules; this includes informing Eurostat immediately.

#### *6.2.2. Technical requirements for access points*

This section specifies technical requirements for access points and computers in access points connecting to the Commission remote access system.

##### 6.2.2.1. Access point setting

The access point must be a separate room or rooms (depending on the needs) located in the premises of a research entity. The access point shall be set in a way to reduce physical risks such as eavesdropping, unauthorised observation of activities and loss or theft (the access point cannot be the open, public space).

The door to the room must be lockable.

When not in use as an access point, the room might be used for other purposes (for example access to other sensitive data). These purposes must not be conflicting with the use as an access point.

The cleaning of the room should take place when it is not used as an access point.

##### 6.2.2.2. Computer setting

The computers in the access points must comply with the following requirements:

- Have broadband internet connection;
- Have a dedicated fixed public IPv4 address. Only computers physically located in the access point room(s) should be able to use this IP address;
- Have Firefox (minimum version 78.11.0esr) web-browser application installed;
- Have remote access **to** the computer disabled (physical access on-site only);

([6]) The requirements will be published on the Eurostat website (https://ec.europa.eu/eurostat/web/microdata) so that research entities can align to them.

- Allow only the connection of screen, keyboard and mouse peripherals; the connection of external storage devices must be blocked;
- Have all screen capture and sharing capabilities disabled;
- Have the videoconferencing tools disabled.

The detailed baseline security requirements (for access points and for computers) will be defined by Eurostat ([7]).

## 7. DATASETS FOR RESEARCH USE — STATISTICAL DISCLOSURE CONTROL (SDC) PROTECTION METHODS

All confidential data that national statistical authorities send to Eurostat for the purpose of compiling EU statistics are in principle accessible for scientific use provided that appropriate protection methods are drawn up and applied.

Methods of protection are decided in collaboration with national statistical authorities, taking into account the mode of access, the probability of re-identification, utility, harmonisation and the impact of unlawful disclosure.

The actual application of the SDC methods is performed by Eurostat (in-house or subcontracted) or by the statistical authority providing the confidential data ([8]).

### 7.1. Scientific use files — guidelines for SDC protection

The application of SDC methods should ensure that confidential data are adequately protected and at the same time should allow researchers to obtain as much detailed information as possible. Since scientific use files are released to researchers, this data should be protected in such a way that the risk of identification of statistical units is appropriately reduced. The 'appropriateness' of the level of protection depends on the disclosure risk, i.e.:

– the impact that unlawful disclosure of confidential data would have;

– the probability that identification/disclosure might occur.

The impact of unlawful disclosure of confidential data is defined by the significance of the consequences for respondents and statistical offices of a loss of control over a scientific use file.

([7]) The requirements will be published on the Eurostat website (https://ec.europa.eu/eurostat/web/microdata) so that research entities can align to them.

([8]) In case of an external subcontractor, the application of the SDC methods takes place in the controlled environment of Eurostat or the national statistical authority providing the data. The confidential data don't leave at any moment the secure environment. The contractors sign relevant access protocols and confidentiality declarations.

The probability of identification/disclosure depends mostly on the level of detail of the data released. The more details there are in the data file, the greater the probability of identification/disclosure.

Eurostat, in collaboration with the national statistical authorities, is developing a set of guidelines (best practices) for the protection of scientific use files. The guidelines will be adopted and maintained by the Working Group on Methodology, assisted by the Expert Group on SDC.

### 7.2. Secure use files — guidelines for SDC protection

Secure use files are only protected against direct identification. The protection against disclosure of confidential information is performed after the researcher's work by applying output checking rules. The general guidelines for output checking were discussed and approved by the Expert Group on SDC in April 2012. ([9]) Rules specific to particular datasets have to be developed and applied.

### 7.3. Process for approval of protection methods

The aim of this section is to set out a workflow for approving protection methods to be applied to specific sets of confidential data. It is valid both for SDC methods applied to scientific use files and for output checking rules for data accessible as secure use files. The following stages are proposed for the approval of protection methods:

(1) The sectoral working group:

   (a) analyses the need for and context of the release of confidential data for scientific purposes;

   (b) identifies researchers' needs regarding the level of detail of the data;

   (c) prioritises the importance of variables for researchers' interest;

   (d) documents the most relevant types of analysis in the context of the survey;

   (e) proposes the mode of release;

(2) The Working Group on Methodology (WGM) is notified of the sectoral WG's decision on the release of confidential data for scientific purposes;

(3) After an analysis of disclosure risk, Eurostat, assisted by the Expert Group on SDC, proposes protection methods;

(4) The final protection method is cross-validated by the sectoral WG against the initial context and objectives and by the WGM/Expert Group with regard to disclosure risks;

(5) The national statistical authorities providing the confidential data notify Eurostat of their approval of the protection method;

([9]) Guidelines drawn up by the ESSnet on Statistical Disclosure Control.

(6) The list of the confidential data collections and possible modes of access is published on the Eurostat website.

### 7.4. Confidential data collections available for scientific purposes

| Data collection name | | Available as scientific use files | Available as secure use files |
|---|---|---|---|
| European Community Household Panel | ECHP | Y | N |
| European Union Labour Force Survey | EU-LFS | Y | N |
| European Union Statistics on Income and Living Conditions | EU-SILC | Y | N |
| Community Innovation Survey | CIS | Y | Y |
| Structure of Earnings Survey | SES | Y | Y |
| Adult Education Survey | AES | Y | N |
| European Road Freight Transport Survey | ERFT | Y | N |
| Farm Structure Survey | FSS | Y | N |
| Household Budget Survey | HBS | Y | N |
| Harmonised European Time Use Survey | HETUS | Y | N |
| Information and Communications Technologies (ICT) usage in Households and by Individuals | ICT (ex CSIS) | Y | N |
| Continuing Vocational Training Survey | CVTS | Y | N |
| European Health Interview Survey | EHIS | Y | N |

## 8. SAFEGUARDS IN PLACE TO ENSURE SECURITY OF SCIENTIFIC USE FILES

Confidential data for scientific purposes are available either as (1) scientific use files (SUF) or as (2) secure use files (SEC).

Secure use files are only available via the Eurostat safe centre or via accredited remote access points (see section 6).

This section lays down safekeeping requirements **for scientific use files**. Scientific use files are available for download for the researchers named in approved research proposals. SUFs may only be used within the premises of the recognised research entities

participating in the research project. The requirements for safekeeping of scientific use files are categorised as follows: (1) physical security of the research entity, (2) security of the research entity's IT system and network, and (3) security of the scientific use files. Information about security aspects is collected in the research entity recognition application form (questions 5.1, 5.2, 5.3) and in the research proposal (question 5.1). The safeguards in place must cover scientific use files and confidential intermediate results of analysis. The entity hosting scientific use files (research entity) must ensure compliance with the three safekeeping requirements categories in the following way:

### 8.1. Physical security of the entity's premises, IT system and network, specific requirements:

- Premises shall be lockable or have an access control/monitoring system (for example: cameras, guards, access with badges);
- IT assets (such as servers and client machines) used for storing and accessing European scientific use files shall be secured ([10]).

### 8.2. Security of the entity's IT system and network where European scientific use files are stored and accessed; specific requirements:

- Server and client machines managed by the IT system administration of the entity;
- Operating system and security settings (virus/malware protection, permissions) regularly updated;
- Security patches to the operating system/applications regularly and timely applied;
- Network perimeter security controls (e.g. firewalls) in place.

### 8.3. Safekeeping of European scientific use files (original data received form Eurostat and confidential intermediate results of analysis); specific requirements:

- Data storage on server or stand-alone machines managed by the IT system administration of the entity;
- Data access only from clients or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place (e.g. physical security measures, virus/malware protection, permissions, authentication and authorization controls);
- Access allowed only from the premises of the research entity;
- Access to data restricted to the researchers named in the research proposal;
- Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices;
- Secure disposal of data upon research project completion.

([10]) For instance: locked individual rooms, locked secure areas/departments, hardware-hardening, anti-theft tools etc. Alternatively implementing equivalent compensating controls.

### 8.4. Special arrangements for access to scientific use files in the time of the Coronavirus pandemic

In the event of exceptional and long-term closing of research entities' premises due to the Coronavirus pandemic, the access to scientific use files may take place from other locations (mainly the researcher's home), provided that:

- the researcher provides evidence that the premises of his/her research entity remain closed for at least four weeks;
- the research entity provides for a VPN (or similar) connection, allowing researchers to remotely and securely access the confidential data stored at the premises of the research entity (downloading the confidential data to any other machine outside the premises of the research entity such as to personal computers and devices, and/or copying/uploading the files to cloud computing or third party remote storage systems is forbidden);
- the contact person in the research entity is informed and allows such remote access.

The principal researcher of the project should provide a signed statement that these conditions are fulfilled (with the necessary information about the VPN connection). The researchers must ensure security of the confidential data while working remotely.

These measures aim at facilitating the access to confidential data in the time of the coronavirus pandemic, without compromising the security of the confidential data as agreed with the research entity. These measures are only valid for the period of closure of the premises of the research entity due to the Coronavirus pandemic.

## 9. SAFEGUARDS IN PLACE TO ENSURE SECURITY OF CONFIDENTIAL DATA

This section is replaced by section 6 on access facilities

## 10. SANCTIONS

The confidentiality undertaking that has to be signed by the research entity constitutes the licence under which the access is given. That undertaking, with the terms of use attached to it, and the individual confidentiality declaration to be signed by each researcher refer to Regulation (EC) No 223/2009 as the underlying framework for access, thereby emphasising the importance of protecting the statistical confidentiality of the data. These documents also specify the consequences of violating the conditions set out in them.

The Commission can take action in the event of a breach of confidentiality as follows:

(1) by withdrawing from the offending researcher, and if necessary from his/her research entity, the possibility of accessing confidential data;

(2) by asking the research entity to take disciplinary action against the researcher;

(3) by claiming civil-law compensatory damages from the research entity; the confidentiality undertaking includes a reference to the applicable law and competent court;

(4) by filing a complaint or by reporting the breach to the police on the basis of national legislation; the Commission may participate in national proceedings as plaintiff.

Any potential breach of confidentiality will be treated individually, depending on the responsibilities of the researcher/research entity, place of violation, applicable law and various other circumstances. Depending on the situation, sanctions may be applied to researchers or their research entities.

Measures can also be taken against a Member State on the basis of the Treaty if the breach of statistical confidentiality can be attributed to the State and is considered to constitute a failure of that State to fulfil its obligations according to the Treaty.

## 11. ROLES OF THE PERSONS INVOLVED

**Duly designated representative of the entity**

– signs the application form for the research entity;

– signs a confidentiality undertaking and initials the terms of use;

– is someone with the authority to make commitments on behalf of the organisation, e.g. a university chancellor, research vice chancellor, managing director, president or similar.

**Contact person in the research entity:**

– is identified in the application form and confidentiality undertaking;

– coordinates submission of research proposals at the level of the entity;

– countersigns each research proposal submitted by researchers linked to the entity; the contact person confirms by his/her signature that all persons named in the research proposal are employed by, or are formally related to (e.g. PhD students), the research entity;

– shall inform researchers named in the research proposal about the obligations laid down in the terms of use of confidential data;

– shall respond to any enquiries concerning processing of the confidential data for scientific purposes (personal data), and shall cooperate in good faith with the Commission (Eurostat), the data subject and the European Data Protection Supervisor concerning all such enquiries within a reasonable time;

– in a network project, confirms participation of individual researchers from the entity, if another research entity is co-ordinator;

**Principal researcher:**

– submits and signs the research proposal and the individual confidentiality declaration;

– identifies individual researchers participating in the research project;

– is granted access to the secure platform with confidential data for scientific purposes (if data manager is not named);

– is responsible for the lawful access to confidential data for scientific purposes for all researchers named in the research proposal;

– protects confidential data for scientific purposes in accordance with the conditions specified in the relevant documents (confidentiality undertaking and terms of use, and individual confidentiality declaration);

– informs Eurostat of any changes to the research proposal;

– follows the guidelines for publication attached to the confidential data;

– provides Eurostat with a copy of all reports, which have been produced using the confidential data;

– is responsible for the destruction of received confidential data and derived files after expiration/completion of the research project;

**Data manager indicated in the research proposal (if different from principal researcher):**

– is granted access to the secure platform with confidential data for scientific purposes;

– is responsible for the practical access to confidential data for scientific purposes for all researchers named in the research proposal;

– protects confidential data for scientific purposes in accordance with the conditions specified in the relevant documents (confidentiality undertaking and terms of use and individual confidentiality declaration);

– is responsible for destruction of received confidential data and derived files after expiration/completion of the research project;

**Individual researcher(s) named in the research proposal:**

– sign individual confidentiality declarations (each separately);

– protect confidential data for scientific purposes in accordance with the conditions specified in the relevant documents (confidentiality undertaking and terms of use and individual confidentiality declaration);

– follow the guidelines for publication attached to the confidential data.

**Person responsible for accredited access point:**

– Ensures the use of the access point by authorised persons only: this means researchers employed by or linked with research entity (see more chapter 4.2.1 of

the guidelines) with a validated research proposal mentioning the use of remote access; only persons authorised for the same project may be present in the access point at the same time;

– Provides the services necessary for smooth and proper running of the access points (for example: run a system of access point reservation, collect statistics on access point's use etc.);

– Retains physical access logs for at least six months and made it available to the Commission when requested);

– Ensures that the access point and the computers located in access point comply with the technical requirements specified below and in the baseline security requirements (for access points and for computers) defined by Eurostat;

– Ensures that the access point is used according with the terms specified in the Rules of use of access points, confidentiality undertaking and terms of use of confidential data (see annexes).

– Follows up immediately any abnormality, security incident or violation of the rules, this includes informing Eurostat immediately.

## 12. FORMS, MODELS AND TEMPLATES

Forms for research entity recognition

12.1 Application form for research entities

12.2 Confidentiality undertaking - standard model

12.3 Terms of use of confidential data for scientific purposes

12.4 Confidentiality undertaking - model for entities located outside EU, EEA, in the countries not covered by Commission decisions on the adequacy of the protection of personal data

12.5 Confidentiality undertaking and terms of use (including individual confidentiality declaration) - model for international organisations

Forms for research proposals

12.6 Research proposal application form

12.7 Individual confidentiality declaration

Forms for accreditation

12.8 Application form for accreditation of an access point

12.9 Rules of use of access points

12.10 Annex to the confidentiality undertaking for research entities hosting an access point

Overview of forms

12.11 Use of forms, models and templates depending on entities' location and status

## 12.1. Application form for research entities

This application form is intended for entities wishing to be recognised as research entities.

**As a first step, please complete and send this form electronically (in WORD!) to ESTAT-ENTITIES-ASSESSMENT@ec.europa.eu . Please do not sign the form at this stage.**

The information provided in the application form will be examined by Eurostat, which will take the decision on whether to grant 'research entity' status.

The following criteria will be taken into account when deciding on the status of the entity:

(1) the purpose of the entity;

(2) the established record or reputation of the entity as a body producing quality research and making it publicly available;

(3) the internal organisational arrangements for research, including, where relevant, the fact that the research entity is independent, autonomous in formulating scientific conclusions and separated from policy areas of the body to which it belongs;

(4) the safeguards in place to ensure security of the confidential data.

Applicants will be notified by email about the outcome of the assessment and about the next steps to complete the recognition procedure, in particular the signature of:

- Application form and
- Confidentiality undertaking and terms of use.

The duly designated representative must immediately inform Eurostat of any changes to the information provided in this application form.

The application form has to be re-submitted at Eurostat's request.

Processing of personal data is protected in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. All information collected will be processed by Eurostat for the sole purpose of verifying the applicant's compliance with the Regulation. All relevant questions must be answered. Failure to answer all relevant questions will result in refusal of the application. Applicants have the right of access to, and the right to rectify, the data concerned. Applicants have the right to have recourse at any time to the European Data Protection Supervisor.

## 1. Identification of the entity

**1.1 General information (**if your request for recognition concerns an university, please note that for reasons of administrative efficiency, we should receive the request on behalf of the university as a whole, not from departments or faculties)

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

Country:

**1.2 Legal status:**

- ☐ University or higher education establishment
- ☐ Research organisation
- ☐ Governmental organisation
- ☐ International organisation
- ☐ Public commercial organisation
- ☐ Private commercial organisation, including consultancy. Please indicate the type of organisation (e.g. limited company, partnership, private enterprise):
- ☐ European Economic Interest Grouping
- ☐ Private organisation, non-profit
- ☐ Other, please specify:

**1.3** Duly designated representative of the research entity:

Name:

Position:

Telephone:

Email:

Address:

Country:

## 2. Purpose of the entity

**2.1** Main purpose and activity of the entity:

**2.2** Please describe how research activity is organised in the entity (only if research is not its main purpose).

## 3. Research activities in the entity

**3.1** Please provide evidence of high quality research involving advanced statistical methods by direct links to three to five complete versions of relevant publications issued by the research entity and/or major research projects in which the research entity has been involved. The research should have been done by or involving employees of the research entity. Results should be publicly available, preferably in (peer reviewed) scientific journals.

**3.2** Please describe the entity's policy on dissemination of research results.

## 4. Organisational and financial arrangements for research within the entity

**4.1** Does the research entity depend on another organisation or does it constitute a separate, self-contained unit? Please describe the entity's organisational set-up.

| |
|---|
| |

### 4.2 Funding

Please explain how the entity is financed, in particular its research activities (directly or indirectly, through contracts with commercial companies or other bodies, etc.).

| |
|---|
| |

**4.3** What is the size, in terms of number of staff employed (head count – researchers and support staff) of the applying research entity (the whole research entity or research department of the organisation, depending on the application)?

| |
|---|
| |

## 5. Safeguards in place

**5.1 Please describe the physical security of the entity's premises, IT system and network. Please note that, at least:**

- The premises should be lockable or have an access control/monitoring system (for example: cameras, guards, access with badges etc.);

- IT assets (such as servers and client machines) used for storing and accessing European scientific use files should be secured ([11]).

**5.2 Please describe your entity's IT system and network (where European scientific use files will be stored and accessed) compliance with the following requirements:**

- Server and client machines managed by the IT system administration of the entity;
- Operating system and security settings (virus/malware protection, permissions) regularly updated;
- Security patches to the operating system/applications regularly and timely applied;
- Network perimeter security controls (e.g. firewalls) in place.

**5.3 Please describe your entity's compliance with the following requirements for the safekeeping of European scientific use files (original data received from Eurostat and confidential intermediate results of analysis):**

- Data storage on server or stand-alone machines managed by the IT system administration of the entity;
- Data access only from clients or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place (e.g. physical security measures, virus/malware protection, permissions, authentication and authorization controls);
- Access allowed only from the premises of the research entity;
- Access to data restricted to the researchers named in the research proposal;
- Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices;
- Secure disposal of data upon research project completion.

([11]) For instance: locked individual rooms, locked secure areas/departments, hardware-hardening, anti-theft tools etc. Alternatively implementing equivalent compensating controls.

## 6. Contact details of person in charge of coordinating research proposals (contact person)

**6.1** Please state the name(s), position and contact details of the person responsible for organising access in the research entity in accordance with the relevant obligations ([12]) (contact person).

***The contact person is responsible for organising the access to confidential data within the research entity independently of the research projects concerned.***

***This person will coordinate submission of all research proposals at the level of the research entity. In particular, this person will countersign each research proposal submitted by the researchers of the research entity.***

Contact person details:

Name:

Title:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

## 7. Additional information

7.1. Please briefly describe the planned research proposal, if any (project for which access to confidential data for scientific purposes will be requested).

([12]) A contact person coordinates submission of research proposals at the level of the entity; in particular, a contact person countersigns each research proposal submitted by the researchers of the entity. By his/her signature the contact person confirms that all persons named in the research proposal are employed by, or are formally related to, the research entity. The contact person shall inform researchers named in the research proposal about the obligations described in the terms of use of confidential data.

**7.2.** National law on sanctions in case of misuse of confidential data. Please describe here the existing measures in your national law pertaining to the sanctions applicable in case of misuse of confidential/personal data.

*You can skip this item if your entity is located:*

- in the European Union or in the European Economic Area (Iceland, Lichtenstein, Norway);
- in a country covered by an adequacy decision of the European Commission ([13]).

**7.3** Additional comments — free text

([13]) See more: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en
(European Commission homepage (https://commission.europa.eu/index_en) / Law / Law by topic / Data protection / International dimension of data protection / Adequacy decisions)

*I hereby certify that the information given in this questionnaire is complete, accurate and correct and that any change(s) will be reported immediately to Eurostat. I understand that Eurostat is authorised to check the accuracy of the information given in this questionnaire at any time. I understand that Eurostat may require more information, if necessary.*

*I confirm that my organisation submits this request in order to be recognised by Eurostat as a research entity. That recognition will allow my organisation to submit a research proposal on whose basis access may or may not be given to confidential data for scientific purposes. I am aware that in case my organisation is recognized as research entity, the name of my organisation will be published on Eurostat website.*

*Furthermore, I commit myself to taking and maintaining all necessary measures in compliance with the above requirements.*

At: (please state location) Date: /  /20

Name:

Position:

Signature:

**Annexes to be provided together with the application form:**

A1. Legal act creating the entity and/or Articles of incorporation

A2. Organisation chart

* For applications on behalf of departments - please provide two organigrams: (1) the organigram showing the position of the department in the structure of the entire organisation and (2) the organigram of the department, including sub-divisions.

A3. Mission statement (or other declaration of purpose) of the organisation – it must include reference to research;

* For applications on behalf of departments – please provide the mission statement of the department (not the mission statement of the entire organisation).

## 12.2. Confidentiality undertaking - standard model

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. This Regulation provides an additional possibility to give access to confidential data for scientific purposes to researchers in the interest of scientific progress in Europe, subject to the strict obligation to respect the statistical confidentiality of the data.

This undertaking, therefore, specifies the conditions for access to confidential statistical data for scientific purposes, the obligations of the researchers, measures for preserving the confidentiality of statistical data and sanctions in the event of breach of these obligations. It constitutes the confidentiality undertaking referred to in Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes.

This undertaking must be signed by a duly designated representative of the research entity and constitutes the explicit acknowledgement by that entity of the conditions and obligations to which the undertaking refers.

The duly designated representative must immediately inform Eurostat of any changes to the information provided in the confidentiality undertaking.

## Identification form

**1. Entity**

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

**2. Duly designated representative of the research entity**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

**3. Contact person**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

(A) Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;

(B) Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity,

.....
(Name of the entity)

represented by its duly designated representative:

…….
(Name of the duly designated representative)

HEREBY UNDERTAKES to ensure that the researchers within this entity who require access to confidential data for scientific purposes at Union level:

(1) will, prior to such access, submit to the Commission (Eurostat) a research proposal in accordance with the predefined standards and countersigned by the contact person, which will be assessed by the Commission (Eurostat) and the national statistical authorities concerned;

(2) will not have access to confidential data before the research proposal is recognised as appropriate by the Commission (Eurostat);

(3) will use the confidential data for scientific purposes in accordance with the terms of use attached to this Undertaking, and will in particular:

   (a) use the confidential data for scientific purposes only for the statistical analyses specified in the research proposal submitted for assessment;

   (b) ensure that none of the confidential data will be accessed by non-authorised persons or parties;

(c) not attempt to identify particular persons or organisations to which the confidential data relates and will not disclose, either directly or indirectly, the information to any other person or organisation;

(4) may be subject to disciplinary sanctions in the event of breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto.

The Commission shall, upon its request, receive all information necessary to verify the observance of the terms of use attached to this Undertaking, failing which all access to confidential data for scientific purposes will be withdrawn.

In signing this Undertaking, I ……., as the duly designated representative of ……..……, understand that:

– any breach of the conditions stated herein or in the terms of use attached to this Undertaking may result in withdrawal of service for the entity and/or individuals and/or legal action against the entity;

– any deliberate attempt to compromise the confidentiality of persons or organisations to which the confidential data for scientific purposes relate may result in prosecution in accordance with the applicable national law.

I will inform the Commission (Eurostat) immediately about any breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto.

Signature: _____

Done at (state location) ……

Date: ……

## 12.3. Terms of use of confidential data for scientific purposes

**General principles**

Access to confidential data for scientific purposes will only be granted if all the conditions laid down in the Regulation on access to confidential data for scientific purposes are fulfilled, in particular:

– access will be granted only to researchers belonging to a recognised research entity;

– the research entity's duly designated representative must have signed a confidentiality undertaking;

– access may be granted only if the research proposal submitted by the researchers asking for access to confidential data for scientific purposes has been approved; each research proposal must be countersigned by the contact person identified in the confidentiality undertaking;

– all researchers asking for access to confidential data for scientific purposes must have signed a confidentiality declaration.

The research entity's duly designated representative shall take all the necessary regulatory, administrative, technical and organisational measures to ensure that access to confidential data for scientific purposes is organised in accordance with the present terms of use.

**Liability**

In case of violation of the conditions for access to confidential data for scientific purposes, this access may be withdrawn from the research entity and/or from the researcher. The research entity may also be liable to pay compensation for damages or asked to take disciplinary action against the offending researcher.

The confidentiality undertaking and the terms of use do not limit the liability of the research entity or the researcher for contraventions of any requirements laid down in the applicable national civil or penal law.

The Commission may not be held responsible for any errors, omissions or mistakes contained in data made available to the research entity or to the researcher nor for any consequences or liabilities arising therefrom. Nor shall the Commission be responsible for any effects of the materials supplied on software or hardware of computer systems of the research entity or of the researcher.

**Data users**

The confidential data shall be made available to the researchers named in the research proposal.

**Safekeeping of scientific use files (original data received form Eurostat and confidential intermediate results of analysis):**

The research entity shall ensure appropriate physical security of the entity's premises and appropriate security of the IT system and network where confidential data for scientific purposes are stored and accessed (detailed requirements in "Safeguards in place to ensure security of the confidential data": section 8 of the Guidelines).

Confidential data for scientific purposes must be stored on server or stand-alone machines managed by the IT system administration of the entity. Data access can take place only from client or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place. Access may take place only at the premises of the research entity. Access to data must be restricted to the researchers named in the research proposal. Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices. The entity must ensure secure disposal of data upon research project completion.

**Data handling**

Researchers must ensure that any results of the research published or otherwise disseminated do not contain information that allow individual statistical units (persons, households, enterprises, etc.) to be identified.

In all reports, including both published and unpublished papers, researchers must ensure the strict application of the guidelines for publication attached to the confidential data for scientific purposes.

No copy of all or part of the confidential data may be made and none of the confidential data may leave the research entity's premises.

**Duration of access**

Access to confidential data may be granted only for the period stated in the research proposal (duration of the research project).

Any extension of access must be requested separately before the scheduled end-date of the research project stated in the research proposal. No compensation may be claimed in the event of such an extension not being approved.

Eurostat may immediately terminate access to confidential data if the research entity has not fully ensured compliance with the conditions and obligations referred to in the confidentiality undertaking and these terms of use. In the event of non-compliance, Eurostat shall in writing request the research entity to rectify the situation within a period not exceeding one month. In the absence of rectification, termination shall be effective on the date the entity receives a registered letter with acknowledgement of receipt.

**After expiry or completion of the project**

After expiry or completion of the project indicated in the research proposal (or in the event of termination of access by Eurostat), the principal researcher must destroy the confidential dataset provided by Eurostat and any confidential data derived from it and sign a declaration to the effect that it has been ensured that all confidential data have been destroyed. This obligation applies to the original data sent by Eurostat and to all derived data, except for the aggregated and/or analysed data as presented in the research results/reports.

The research entity is required to provide Eurostat with references to all reports that have been produced using the confidential data. To allow a central list of all data recipients and analyses to be continuously updated, these references shall be given to Eurostat as soon as possible with any necessary qualifiers (e.g. 'not to be quoted'). In any event, these references must be sent to Eurostat immediately after the reports have been presented or published. The research entity will remain bound by this obligation even after finalisation of the research project or termination of the access to confidential data.

The researchers must not make further use of the information made available to them by Eurostat after the completion of the research project or termination of the access to confidential data. Failure to comply with this requirement shall result in liability to claims for damages and to penalties.

Furthermore, at the request of Eurostat, the research entity must return or destroy all documents and computer records relating to the work performed in relation to the research proposals.

**Identification of data sources**

The researchers shall state the source of the data by referring to: ''This study/report/paper is based on data from Eurostat, *name of the survey, reference year(s), release date, version and DOI reference if available"* and add the following disclaimer when disseminating the results of work to which the research proposal relates: "The responsibility for all conclusions drawn from the data lies entirely with the author(s)".

**Resolution of disputes**

In the event of a dispute or claim concerning the processing of the confidential data for scientific purposes, the research entity shall cooperate with a view to settling them amicably in a timely fashion.

The research entity shall respond to any generally available non-binding mediation. The research entity should consider participating in any other arbitration, mediation or other dispute resolution proceedings developed for data protection disputes.

**Applicable law and competent court**

The implementation of these terms of use shall be governed by Luxembourg law; the courts in Luxembourg shall have sole jurisdiction to hear any disputes.

### 12.4. Confidentiality undertaking and terms of use – model for entities located outside EU, EEA, in the countries not covered by Commission decisions on the adequacy of the protection of personal data ([14])

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. This Regulation provides an additional possibility to give access to confidential data for scientific purposes to researchers in the interest of scientific progress in Europe, subject to the strict obligation to respect the statistical confidentiality of the data.

This undertaking, therefore, specifies the conditions for access to confidential statistical data for scientific purposes, the obligations of the researchers, measures for preserving the confidentiality of statistical data and sanctions in the event of breach of these obligations. It constitutes the confidentiality undertaking referred to in Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes.

This undertaking must be signed by a duly designated representative of the research entity and constitutes the explicit acknowledgement by that entity of the conditions and obligations to which the undertaking refers.

The duly designated representative must immediately inform Eurostat of any changes to the information provided in the confidentiality undertaking.

([14]) The European Commission has so far recognised Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Republic of Korea, Switzerland , the United Kingdom under the GDPR and the LED, the United States (commercial organisations participating in the EU-US Data Privacy Framework) and Uruguay as providing adequate protection. See more: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en.

**Identification form**

**1. Entity**

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

**2. Duly designated representative of the research entity**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

**3. Contact person**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

(A) Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;

(B) Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity,

.....
(Name of the entity)

represented by its duly designated representative:

…….
(Name of the duly designated representative)

HEREBY UNDERTAKES to ensure that the researchers within this entity who require access to confidential data for scientific purposes at Union level:

(1) will, prior to such access, submit to the Commission (Eurostat) a research proposal in accordance with the predefined standards and countersigned by the contact person, which will be assessed by the Commission (Eurostat) and the national statistical authorities concerned;

(2) will not have access to confidential data before the research proposal is recognised as appropriate by the Commission (Eurostat);

(3) will use the confidential data for scientific purposes in accordance with the terms of use attached to this Undertaking, and will in particular:

(a) use the confidential data for scientific purposes only for the statistical analyses specified in the research proposal submitted for assessment;

(b) ensure that none of the confidential data will be accessed by non-authorised persons or parties;

(c) not attempt to identify particular persons or organisations to which the information relates and will not disclose, either directly or indirectly, the information to any other person or organisation;

(4) may be subject to disciplinary sanctions in the event of breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto.

The Commission (Eurostat) shall, upon its request, receive all information necessary to verify the observance of the terms of use attached to this Undertaking, failing which all access to confidential data for scientific purposes will be withdrawn.

In signing this Undertaking, I ……., as the duly designated representative of ……..……, understand that:

– any breach of the conditions stated herein or in the terms of use attached to this Undertaking may result in withdrawal of service for the entity and/or individuals and/or legal action against the entity;

– any deliberate attempt to compromise the confidentiality of persons or organisations to which the confidential data for scientific purposes relate may result in prosecution in accordance with the applicable national law.

I will inform Commission (Eurostat) immediately about any breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto. Any failure to inform Eurostat could lead to withdrawal of access to the confidential data.

I have no reason to believe, at the time of signing this Undertaking, in the existence of any local laws that would have a substantial adverse effect on the guarantees provided for under this Undertaking, and I will inform the Commission (which will pass such notification on to the European Data Protection Supervisor where required) if I become aware of any such laws.

Signature: _____

Done at (state location) ……

Date: ……

**Terms of use of confidential data for scientific purposes**

(same as 12.3)

## 12.5. Confidentiality undertaking and terms of use – model for international organisations

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. This Regulation provides an additional possibility to give access to confidential data for scientific purposes to researchers in the interest of scientific progress in Europe, subject to the strict obligation to respect the statistical confidentiality of the data.

This undertaking, therefore, specifies the conditions for access to confidential statistical data for scientific purposes, the obligations of the researchers, measures for preserving the confidentiality of statistical data and sanctions in the event of breach of these obligations. It constitutes the confidentiality undertaking referred to in Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes.

This undertaking must be signed by a duly designated representative of the research entity and constitutes the explicit acknowledgement by that entity of the conditions and obligations to which the undertaking refers.

The duly designated representative must immediately inform Eurostat of any changes to the information provided in the confidentiality undertaking.

## Identification form

### 1. Entity

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

### 2. Duly designated representative of the research entity

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

### 3. Contact person

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

Postal address:

CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

(B) Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;

(C) Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity,

.....……..

(Name of the entity)

represented by its duly designated representative:

…….…….…….
(Name of the duly designated representative)

HEREBY UNDERTAKES to ensure that the researchers within this entity who require access to confidential data for scientific purposes at Union level:

(1) will, prior to such access, submit to the Commission (Eurostat) a research proposal in accordance with the predefined standards and countersigned by the contact person, which will be assessed by the Commission (Eurostat) and the national statistical authorities concerned;

(2) will not have access to confidential data before the research proposal is recognised as appropriate by the Commission (Eurostat);

(3) will use the confidential data for scientific purposes in accordance with the terms of use attached to this Undertaking (annex 1), and in particular:

(a) will use the confidential data for scientific purposes only for the statistical analyses specified in the research proposal submitted for assessment;

(b) will ensure that none of the confidential data will be accessed by non-authorised persons or parties;

(c) will not attempt to identify particular persons or organisations to which the confidential data relates and will not disclose, either directly or indirectly, the information to any other person or organisation;

(4) will comply with the obligations laid down in the individual confidentiality declaration attached to this undertaking (annex 2);

(5) may be subject to disciplinary sanctions in the event of breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto, in accordance with the entity's rules.

The Commission shall, upon its request, receive all information necessary to verify the observance of the terms of use attached to this Undertaking, failing which all access to confidential data for scientific purposes will be withdrawn.

In signing this Undertaking, I ……., as the duly designated representative of ……., understand that any breach of the conditions stated herein or in the terms of use attached to this Undertaking may result in withdrawal of service for the entity and/or individuals and/or legal action against the entity.

I will inform Eurostat immediately about any breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto. Any failure to inform Eurostat could lead to withdrawal of access to the confidential data.

I have no reason to believe, at the time of signing this Undertaking, in the existence of any local laws and/or any internal rules of my entity that would have a substantial adverse effect on the guarantees provided for under this Undertaking, and I will inform Commission (which will pass such notification on to the European Data Protection Supervisor where required) if I become aware of any such laws or rules.

Signature: _____

Done at (state location) ……

Date: ……

## Annex 1 to Confidentiality undertaking for international organisations
## Terms of use of confidential data for scientific purposes (for international organisations)

**General principles**

Access to confidential data for scientific purposes will only be granted if all the conditions laid down in the Regulation on access to confidential data for scientific purposes are fulfilled, in particular:

– access will be granted only to researchers belonging to a recognised research entity;

– the research entity's duly designated representative must have signed a confidentiality undertaking;

– access may be granted only if the research proposal submitted by the researchers asking for access to confidential data for scientific purposes has been approved; each research proposal must be countersigned by the contact person identified in the confidentiality undertaking;

The research entity's duly designated representative shall take all the necessary regulatory, administrative, technical and organisational measures to ensure that access to confidential data for scientific purposes is organised in accordance with the present terms of use.

**Liability**

In case of violation of the conditions for access to confidential data for scientific purposes, this access may be withdrawn from the research entity and/or from the researcher. The research entity may also be liable to pay compensation for damages or asked to take disciplinary action, in accordance with the entity's rules against the offending researcher.

The Commission may not be held responsible for any errors, omissions or mistakes contained in data made available to the research entity or to the researcher nor for any consequences or liabilities arising therefrom. Nor shall the Commission be responsible for any effects of the materials supplied on software or hardware of computer systems of the research entity or of the researcher.

**Data users**

The confidential data shall be made available to the researchers named in the research proposal.

### Safekeeping of scientific use files (original data received form Eurostat and confidential intermediate results of analysis)

The research entity shall ensure appropriate physical security of the entity's premises and appropriate security of the IT system and network where confidential data for scientific purposes are stored and accessed (detailed requirements in "Safeguards in place to ensure security of the confidential data": section 8 of the Guidelines).

Confidential data for scientific purposes must be stored on server or stand-alone machines managed by the IT system administration of the entity. Data access can take place only from client or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place. Access may take place only at the premises of the research entity. Access to data must be restricted to the researchers named in the research proposal. Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices. The entity must ensure secure disposal of data upon research project completion.

**Data handling**

Researchers must ensure that any results of the research published or otherwise disseminated do not contain information that allow individual statistical units (persons, households, enterprises, etc.) to be identified.

In all reports, including both published and unpublished papers, researchers must ensure the strict application of the guidelines for publication attached to the confidential data for scientific purposes.

No copy of all or part of the data may be made and none of the data may leave the research entity's premises.

**Duration of access**

Access to confidential data may be granted only for the period stated in the research proposal (duration of the research project).

Any extension of access must be requested separately before the scheduled end-date of the research project stated in the research proposal. No compensation may be claimed in the event of such an extension not being approved.

Eurostat may immediately terminate access to confidential data if the research entity has not fully ensured compliance with the conditions and obligations referred to in the confidentiality undertaking and these terms of use. In the event of non-compliance, Eurostat shall in writing request the research entity to rectify the situation within a period not exceeding one month. In the absence of rectification, termination shall be effective on the date the entity receives a registered letter with acknowledgement of receipt.

**After expiry or completion of the project**

After expiry or completion of the project indicated in the research proposal (or in the event of termination of access by Eurostat), the principal researcher must destroy the confidential dataset provided by Eurostat and any confidential data derived from it and sign a declaration to the effect that it has been ensured that all confidential data have been destroyed. This obligation applies to the original data sent by Eurostat and to all derived data, except for the aggregated and/or analysed data as presented in the research results/reports.

The research entity is required to provide Eurostat with references to all reports that have been produced using the confidential data. To allow a central list of all data recipients and analyses to be continuously updated, these references shall be given to Eurostat as soon as possible with any necessary qualifiers (e.g. 'not to be quoted'). In any event, these references must be sent to Eurostat immediately after the reports have been presented or published. The research entity will remain bound by this obligation even after finalisation of the research project or termination of the access to confidential data.

The researchers must not make further use of the information made available to them by Eurostat after the completion of the research project or termination of the access to confidential data. Failure to comply with this requirement shall result in liability to claims for damages and to penalties.

Furthermore, at the request of Eurostat, the research entity must return or destroy all documents and computer records relating to the work performed in relation to the research proposals.

**Identification of data sources**

The researchers shall state the source of the data by referring to: ''This study/report/paper is based on data from Eurostat, *name of the survey*, *reference year(s), release date, version and DOI reference if available"* and add the following disclaimer when disseminating the results of work to which the research proposal relates: "The responsibility for all conclusions drawn from the data lies entirely with the author(s)".

**Resolution of disputes with data subjects**

In the event of a dispute or claim brought by a data subject or the European Data Protection Supervisor (EDPS) concerning the processing of the confidential data for scientific purposes, research entity shall cooperate with a view to settling them amicably in a timely fashion.

**Applicable law**

The entity agrees that its rights and obligations shall be governed by the terms and conditions of the confidentiality undertaking and terms of use of confidential data and, in case of silence only, by the law of the Grand Duchy of Luxembourg. Nothing herein shall constitute or be considered to be a limitation upon or a waiver of the privileges and immunities of the entity, which are specifically reserved.

## Annex 2 to confidentiality undertaking for international organisations
## Individual confidentiality declaration (part of the confidentiality undertaking, not to be signed by individual researchers)

*Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. That Regulation foresees an additional possibility to give access to confidential data to researchers in the interest of scientific progress in Europe, subject to the strict obligation to respect the statistical confidentiality of the data.*

I will be bound by all the terms and conditions of the confidentiality undertaking signed by the duly designated representative of my research entity and will use the dataset indicated in the research proposal in accordance with the terms of use attached to the confidentiality undertaking.
I will:

(1) use the dataset only for the purposes specified in the research proposal;
(2) safeguard the dataset and any usernames and passwords associated with it;
(3) ensure that any results of analyses will not be disclosive or potentially disclosive in conjunction with other publicly available information;
(4) acknowledge the dataset and its source in any research report or publication and also state that the results and conclusions are mine and not those of Eurostat, the European Commission or any of the national statistical authorities whose data have been used;
(5) provide Eurostat with references to publications and other research reports based on this dataset;
(6) preserve the confidentiality of information pertaining to identifiable individuals, households and/or organisations that are recorded in the dataset;
(7) submit the final complete output of my work for the confidentiality check to the competent Eurostat staff (in case of access to secure use files);
(8) destroy the dataset and any data or variables derived from it at the end of the research period specified in the research proposal and sign a declaration to the effect that it has been ensured that all data have been destroyed;
(9) abide by any other conditions notified to me by Eurostat (e.g. guidelines for publication);
(10) inform Eurostat immediately about any breach of the confidentiality rules laid down in the confidentiality undertaking or in the terms of use of confidential data for scientific purposes.

I will not:

(a) use the data (scientific use files) outside the premises of my research entity;
(b) allow non-authorised users to access the dataset (authorised users are named in the research proposal);
(c) use the data for research purposes before it is checked for confidentiality by Eurostat (in case of access to secure use files)
(d) remove the data or any part of it (in case of access to secure use files);
(e) attempt to link the data to other (including public) datasets, whether or not provided by Eurostat, if not expressly agreed;
(f) attempt to identify any individual record (individual, household, business, etc.) in the dataset, or claim to have done so;
(g) release or publish any information or results which identify any individual record or may lead to the identification of any individual record.

I certify that I have read all of the above clauses, that I understand that I am accountable for correct and responsible use of the data and data access system, and that I understand that if I fail to comply with these clauses, my access to the dataset will be withdrawn and I will be liable to any other sanctions that may be determined by my research entity.

## 12.6. Research proposal application form

This application form is intended to collect information about the research proposal for which access to confidential data for scientific purposes is required. The information in this application form will be examined by Eurostat and the national statistical authorities that have provided the data to Eurostat.

The completed application form should be submitted electronically via the application: https://webgate.ec.europa.eu/multisite/microdata/en.

The research proposal must contain the necessary information on the person requesting access, his or her research entity, the confidential data requested and the mode of access. The criteria require that the research proposal describe the legitimate purpose of the research, i.e. the scientific purpose and that the results of the research are made public. The planned outputs (articles, presentations, books, etc.) have to be specified in the research proposal. The need for the use of confidential data for the research project should be justified.

Once requested by Eurostat, the completed application form should be printed, initialled on each page and signed on the last page by the principal researcher and by the contact person in the research entity. The application form must be accompanied by a **confidentiality declaration** signed by each researcher named in the research proposal who will have access to confidential data for scientific purposes.

In case of a joint project (network of research entities) the contact persons of the research entities participating in the project must confirm the participation of the individual researchers in the project (relevant model can be asked to Microdata Access Team: ESTAT-Microdata-access@ec.europa.eu).

All initialled and signed documents must be submitted in the application. The originals must be duly kept at the research entity and shall be sent to Eurostat only at explicit request.

The research proposal is then consulted with national statistical authorities that have provided the data to Eurostat. If the national statistical authority gives a negative opinion during the consultation period (four weeks), the confidential data provided by the authority concerned will be removed from the confidential data set. Other countries' confidential data will be made available to the researcher.

Processing of personal data is protected in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. All information collected will be processed by Eurostat for the sole purpose of verifying the applicant's compliance with the Regulation. All relevant questions must be answered; failure to reply to all relevant questions will result in refusal of the application form. Applicants have the right of access to, and the right to rectify, the data concerned. Applicants have the right to have recourse at any time to the European Data Protection Supervisor.

# *RESEARCH PROPOSAL APPLICATION FORM*

**ALL FIELDS IN THE APPLICATION FORM ARE COMPULSORY – PROCESSING OF APPLICATION FORMS NOT DULY COMPLETED MAY BE DELAYED**

**Research entity identification number:**

**Name of the contact person in the research entity:**

**In case of a network contract (more than one research entity participating in the project):**

Other research entity identification number:

Name of the contact person in the other research entity:

## 1. Identification of the researchers (and data manager) who will have access to the data

### 1.1 Principal researcher:

Name:

Position:

Telephone:

E-mail:

Official full name of the research entity:

English name:

Address

Web address:

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### 1.2 Data manager - the person to whom confidential data will be sent - <u>if different from principal researcher</u>

Name:

Position:

Telephone:

E-mail:

Official full name of the research entity:

English name:

Address

Web address:

---

**1.3 Individual researchers**

Individual researcher (1)

Name:

Position:

Telephone:

E-mail:

Official full name of the research entity:

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Individual researcher (2)

Name:

Position:

Telephone:

E-mail:

Official full name of the research entity:

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Individual researcher (3)

Name:

Position:

Telephone:

E-mail:

Official full name of the research entity:

*If more individual researchers, please contact* ESTAT-Microdata-access@ec.europa.eu

## 2. Purpose of the research proposal

*In case of an application for several projects, please send one research proposal application form per project.*

**2.1** Title(s) of the research proposal(s) (note that the title of the research proposal, datasets requested, research entity name and starting year of the project will be published on Eurostat website)

**2.2** Please describe the research project(s) for which access to confidential data is requested, the objectives of the research project(s), and provide details on the underlying contract if the research project is commissioned by another body; maximum 2 pages. (The research project(s) should have cross-country or European dimension. Research proposals referring to data of one country only should normally be addressed to the relevant national statistical authority. Projects covering one country data can be accepted for EUROMOD projects or for other projects referring to data not available at national level).

**2.3** Please explain why the purpose of the research cannot be fulfilled using publicly available (non-confidential) data (for example data published on Eurostat website). In case of access to EHIS data, please describe the substantial public interest that justifies access to health data.

**2.4**. Please state the duration for which access to confidential data is requested (maximum five years), please respect the format: dd/mm/yyyy.

From: / / To: / /

## 3. Datasets to be used

**3.1 Please select the dataset(s) to be used** (note that the title of the research proposal, datasets requested, research entity name and starting year of the project will be published on Eurostat website)

☐ European Community Household Panel (ECHP)
☐ European Union Statistics on Income and Living Conditions (EU-SILC)
☐ Labour Force Survey (LFS)
☐ Adult Education Survey (AES)
☐ Community Innovation Survey (CIS)
☐ Structure of Earnings Survey (SES)
☐ European Health Interview Survey (EHIS)
☐ European Road Freight Transport Survey (ERFT)
☐ Continuing Vocational Training Survey (CVTS)
☐ Information and Communications Technologies (ICT) usage by Households and Individuals
☐ Household Budget Survey (HBS)
☐ Harmonised European Time Use Survey (HETUS)
☐ Farm Structure Survey (FSS)

**3.2 Please list the countries whose data are requested**

**3.3. Please state the type(s) of confidential data for scientific purposes to be used:**

☐ Scientific use files (partially confidentialised data ([15]) delivered to researchers)

☐ Secure use files (confidential data - only Community Innovation Survey (CIS) and Structure of Earnings Survey (SES) - accessible in secure environment:

– In Eurostat Safe Centre in Luxembourg:

- Requested number of days in the Safe Centre

– Remotely via accredited access points:

- Access point accreditation number ([16]):

**3.4 For each selected dataset please describe which variable groups, reference years and target population will be used.**

([15]) Data on which special statistical disclosure control methods have been applied in order to reduce to an appropriate level and in accordance with current best practice the risk of identification of the statistical unit(s).

([16]) Recognised research entities hosting accredited access points are listed here: https://ec.europa.eu/eurostat/documents/203647/771732/Recognised-research-entities.pdf. Only researchers employed by research entity may use access point in their research entity.

**3.5** Please state how the above-mentioned dataset will be used. In case of access to several datasets, please state which data will be used for which part of the research project.

**3.6** Please state the methods of statistical analysis to be used.

## 4. Results of the statistical analysis

**4.1** Please describe the expected scientific results of the research.

**4.2** Please describe how the results of the research will be published or otherwise disseminated (through which channels - printed publications, online publications, conferences, web, etc.):

## 5. Safekeeping of confidential data for scientific purposes

**(please fill in only if access to scientific use files is requested)**

**5.1** Please confirm compliance with the following requirements for safekeeping of European scientific use files (original data received form Eurostat and confidential intermediate results of analysis):

- Data storage on server or stand-alone machines managed by the IT system administration of the entity;
- Data access only from clients or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place (e.g. physical security measures, virus/malware protection, permissions, authentication and authorization controls);
- Access allowed only from the premises of the research entity;
- Access to data restricted to the researchers named in the research proposal;
- Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices;
- Secure disposal of data upon research project completion.

Please refer to the contact person for details on safety measures in your entity.

**5.2** Please describe how the anonymity of the statistical units will be ensured in published results of your research.

*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 Eurostat. I understand that Eurostat is authorised to check at any time the accuracy of the information given in this questionnaire. I understand that Eurostat may also request more information, if necessary.*

*I confirm that I submit this request in order to be granted access to confidential data for scientific purposes. The decision of Eurostat and the national statistical authorities providing the data may or may not authorise me to be granted access to confidential data for scientific purposes.*

*Furthermore, I commit myself to take and maintain all necessary measures in compliance with the requirements stated in the confidentiality declaration.*

Principal researcher:

Name: ……..

At: (please state location) ☐ Date: ☐☐/ ☐☐/ 20☐☐

Signature:

Contact person in the research entity:

The contact person confirms by his/her signature that all persons quoted in the research project proposal are employed by, or formally related to, the research entity. The contact person shall inform researchers named in the research proposal about the obligations described in the terms of use of confidential data.

Name: ……..

At: (please state location) ☐ Date: ☐☐/ ☐☐/20☐☐

Signature:

## 12.7. Individual confidentiality declaration

**(to be signed by all persons named in the research proposal)**

*Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. That Regulation foresees an additional possibility to give access to confidential data to researchers in the interest of scientific progress in Europe, subject to the strict obligation to respect the statistical confidentiality of the data.*

I will be bound by all the terms and conditions of the confidentiality undertaking signed by the duly designated representative of my research entity and will use the dataset indicated in the research proposal in accordance with the terms of use attached to the confidentiality undertaking.
I will:

(1) use the dataset only for the purposes specified in the research proposal;
(2) safeguard the dataset and any usernames and passwords associated with it;
(3) ensure that any results of analyses will not be disclosive or potentially disclosive in conjunction with other publicly available information;
(4) acknowledge the dataset and its source in any research report or publication and also state that the results and conclusions are mine and not those of Eurostat, the European Commission or any of the national statistical authorities whose data have been used;
(5) provide Eurostat with references to publications and other research reports based on this dataset;
(6) preserve the confidentiality of information pertaining to identifiable individuals, households and/or organisations that are recorded in the dataset;
(7) submit the final complete output of my work for the confidentiality check to the competent Eurostat staff (in case of access to secure use files);
(8) destroy the dataset and any data or variables derived from it at the end of the research period specified in the research proposal and sign a declaration to the effect that it has been ensured that all data have been destroyed;
(9) abide by any other conditions notified to me by Eurostat (e.g. guidelines for publication);
(10) inform Eurostat immediately about any breach of the confidentiality rules laid down in the confidentiality undertaking or in the terms of use of confidential data for scientific purposes.

I will not:

(a) use the data (scientific use files) outside the premises of my research entity ;
(b) allow non-authorised users to access the dataset (authorised users are named in the research proposal);
(c) use the data for research purposes before it is checked for confidentiality by Eurostat (in case of access to secure use files)
(d) remove the data or any part of it (in case of access to secure use files);
(e) attempt to link the data to other (including public) datasets, whether or not provided by Eurostat, if not expressly agreed;
(f) attempt to identify any individual record (individual, household, business, etc.) in the dataset, or claim to have done so;
(g) release or publish any information or results which identify any individual record or may lead to the identification of any individual record.

I certify that I have read all of the above clauses, that I understand that I am accountable for correct and responsible use of the data and data access system, and that I understand that if I fail to comply with these clauses, my access to the dataset will be withdrawn and I will be liable to any other sanctions that may be determined by my research entity or are specified in the applicable civil or penal law.

Name: ……Signature: ……..Date: ……

### 12.8. Application form for accreditation of an access point (with annexes)

This application form is intended for research entities recognised by Eurostat ([17]) wishing to accredit an access point allowing remote access to European secure use files.

As a first step, please complete and send this form electronically (in WORD!) to ESTAT-MICRODATA-ACCESS@ec.europa.eu. Please do not sign the form at this stage.

The information provided in the application form will be examined by Eurostat, which will take the decision on whether to accredit an access point.

Applicants will be notified by email about the outcome of the assessment and about the next steps to complete the procedure, in particular the signature of:

- Application form and
- Annex to confidentiality undertaking

The duly designated representative must immediately inform Eurostat of any changes to the information provided in this application form.

The application form has to be re-submitted at Eurostat's request.

Eurostat will process all information collected in the form for the sole purpose of verifying the applicant's compliance with the Regulation. Processing of personal data is in line with Regulation (EC) No 1725/2018. All relevant questions must be answered. Failure to answer all relevant questions will result in refusal of the application. Applicants have the right of access to, and the right to rectify, the data concerned. Applicants have the right to have recourse at any time to the European Data Protection Supervisor.

([17]) The list of recognised research entities:
https://ec.europa.eu/eurostat/documents/203647/771732/Recognised-research-entities.pdf

## 1. Identification of the entity

### 1.1 Research entity

Official full name of the entity:

English name:

Research entity number:

Country:

### 1.2 Duly designated representative of the research entity

Name:

Position:

Telephone:

Email:

### 1.3 Person responsible for access point

Name:

Position:

Telephone:

Email:

## 2. Access point(s)

**2.1 Please describe the location of the access point(s) within the premises of the research entity. Please add in annexes (1) supporting documents showing the location of the access point(s) in the premises of the research entity (for example on the campus map) and/or (2) pictures (photos) showing the location, the door and the interior.**

**2.2 Please describe how the access to the access point(s) is organised and managed, including the role of the person responsible for the access point(s) (for guidance see rules of use attached).**

## 3. Computer(s) in the access point(s)

**3.1 Please describe the computer(s) and computer systems in the access point(s) (for guidance see rules of use attached).**

**3.2 Please describe the information security management principles in the research entity.**

**3.3 Please provide your fixed public IPv4 address(es) of the computer(s) in the access point(s).**

*I hereby certify that the information given in this questionnaire is complete, accurate and correct and that any change(s) will be reported immediately to Eurostat. I understand that Eurostat is authorised to check the accuracy of the information given in this questionnaire at any time. I understand that Eurostat may require more information, if necessary.*

*I confirm that my organisation submits this request in order to accredit access points in my research entity. The accreditation will allow researchers of my organisation named in the research proposal validated by Eurostat to access remotely secure use files as specified in the research proposal.*

*Furthermore, I commit myself to taking and maintaining all necessary measures in compliance with the above requirements.*

At: (please state location) Date: / /20

Name:

Position:

Signature:

## Annex to be provided with the application form:

A1. Supporting documents showing the location of the access point(s) in the premises of the research entity (for example on the campus map) and/or pictures (photos) showing the location, the door and the interior.

### 12.9. **Rules of use of access points**

**The entity** hosting the accredited access point(s) must be recognised by Eurostat as a research entity ([18]). Only research entities located in the following countries may host access points ([19]):

- the EU countries as well as in Iceland, Norway and Liechtenstein (covered by Regulation 557/2013 and by GDPR) and in Switzerland (covered by Regulation 557/2013 and by GDPR on the basis of separate agreement), including EU institutions, bodies and agencies and international organisations based in these countries;

- the countries covered by adequacy decisions ([20]).

The duly designate representative of the research entity must designate **a person responsible for the access point.** This person should:

- Ensure the use of the access point by authorised persons only: this means researchers employed by or linked with the research entity (see chapter 4.2.1 of the guidelines) with validated research proposal mentioning the use of remote access; only persons authorised for the same project may be present in the access point at the same time;

- Provide the services necessary for smooth and proper running of the access point (for example run a system of access point reservation, collect statistics on access point's use etc.);

- Retain physical access logs for at least six months and make it available to the Commission when requested;

- Ensure that the access point and the computers located in the access point comply with the technical requirements specified below and in the baseline security requirements defined by Eurostat ([21]);

- Ensure that the access point is used in accordance with the terms specified in the confidentiality undertaking and terms of use of confidential data.

- Follow up immediately any abnormality, security incident or violation of the rules; this includes informing Eurostat immediately.

([18]) List of recognised research entities: https://ec.europa.eu/eurostat/documents/203647/771732/Recognised-research-entities.pdf

([19]) The accreditation of access points located in other countries is possible in principle, but under additional conditions and contractual clauses as used for transferring personal data to non-EU countries. This option will be developed in a later phase.

([20]) https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en (please note that Canada will be treated as third country, as the adequacy only concerns commercial organisations).

([21]) The requirements will be published on the Eurostat website (https://ec.europa.eu/eurostat/web/microdata) so that research entities can align to them.

**The accredited access point** must fulfil the following technical requirements:

- The access point must be a separate room or rooms (depending on the need) located in the premises of a research entity. The access point shall be set in a way to reduce physical risks such as eavesdropping, unauthorised observation of activities and loss or theft;
- The door to the room must be lockable;
- There might be several computers in the room, but only persons authorised for the same research proposal may be present in the room at the same time;
- When not in use as an access point, the room might be used for other purposes (for example access to other sensitive data). These purposes must not be conflicting to the use as an access point;
- The cleaning of the room should take place when it is not used as an access point.

The **computers** in the access points must comply with the following requirements:

- Have broadband internet connection;
- Have a dedicated fixed public IPv4 address. Only computers physically located in the access point room(s) should be able to use this IP address;
- Have Firefox (minimum version 78.11.0esr) installed;
- Have remote access **to** the computer disabled (physical access on-site only);
- Allow only connection of screen, keyboard and mouse peripherals, with specific blocking on connecting external storage devices;
- Have all screen capture and sharing capabilities disabled;
- Have the videoconferencing tools disabled.

The **researchers** using the access point must:

- Always respect the confidentiality of the confidential data provided (see more: How to use confidential data properly. Self-study material for the users of Eurostat confidential data sets);
- Safeguard the confidential data provided; this includes prohibition of copying the content of the remote access environment, taking photos, sharing the screen or using the function button 'print screen';

– Look after the access credentials (usernames, passwords) and do not share them with anyone;

– Use the access point alone or with authorised researchers (researchers from the same entity, named in the same research project proposal); prevent anybody else from seeing the content of the remote access environment;

– Use the “Out” folder in the project folder to request the export of information from the remote access environment so the Eurostat data manager can check it for disclosure risks;

– Apply output checking rules on all results saved in the “Out” folder;

– Have the results validated by the Eurostat data manager in order to use them outside remote environment;

– Close the remote access session properly when leaving the access point;

– Follow all terms of the individual confidentiality undertaking and terms of use of confidential data.

## 12.10. Annex to the confidentiality undertaking for research entities hosting an access point

ANNEX TO CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) AND TO ARTICLE 8(6) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

(C) Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;

(D) Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking to be signed covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity;

(E) The confidentiality undertaking and terms of use of confidential data for scientific purposes lay down general rules of use of confidential data;

(F) Article 8(6) of Commission Regulation (EU) No 557/2013 provides for a contract to be signed between the duly designated representative of the access facility or of the organisation hosting the access facility and the Commission (Eurostat) determining the obligations of the access facility with respect to the protection of confidential data and the organisational measures. The present annex to the confidentiality undertaking serves as such, determining the above-mentioned obligations.

.....
(Name of the research entity)

represented by its duly designated representative:

…….
(Name of the duly designated representative of the research entity)

HEREBY UNDERTAKES to:

- provide a lockable, equipped room (or rooms) as described in the **application form** and in line with the specifications for access points in the **Rules of use of access points;**
- to designate the person responsible for the access point (see item 1.3 of the application form) who will manage the access point in line with the **Rules of use of access points.**

The room (access point) is to be used as a connection point to the Eurostat system providing remote access to confidential data for scientific purposes.

This annex completes the commitments laid down in the confidentiality undertaking and the terms of use of confidential data for scientific purposes signed for my entity.

Signature: _____

Done at (state location) ……

Date: ……

**Annexes:**
Application form for accreditation of an access point
Rules of use of access points

## 12.11. Use of forms, models and templates depending on entities' location and status

| | Forms/models/ templates for: | | |
|---|---|---|---|
| | Entities located in the EU, EEA and in the countries covered by Commission decisions on the adequacy of the protection of personal data | Entities located outside EU, EEA, in the countries not covered by Commission decisions on the adequacy of the protection of personal data | International organisations |
| Application form for research entities | X | X | X |
| Confidentiality undertaking - standard model | X | | |
| Terms of use of confidential data for scientific purposes | X | X | |
| Confidentiality undertaking - model for entities located outside EU, EEA, in the countries not covered by Commission decisions on the adequacy of the protection of personal data | | X | |
| Confidentiality undertaking and terms of use (including individual confidentiality declaration) - model for international organisations | | | X |
| Research proposal application form | X | X | X |
| Individual confidentiality declaration | X | X | |
| Application form for accreditation of an access point | X | | X* |
| Rules of use of access points | X | | X* |
| Annex to the confidentiality undertaking for research entities hosting an access point | X | | X* |

*If located in the EU countries as well as in Iceland, Norway, Liechtenstein and Switzerland.