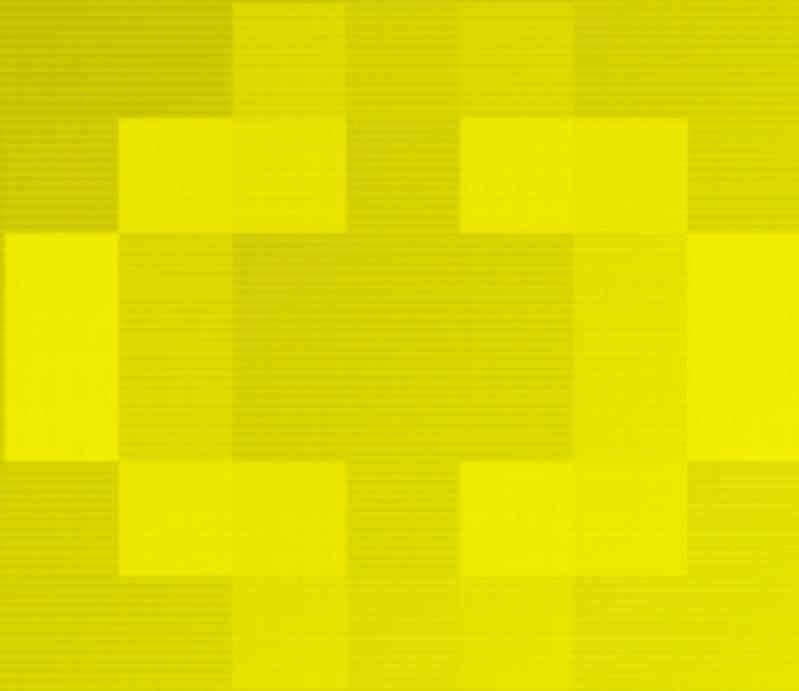


National Statistics Code of Practice

Protocol on Data Access and Confidentiality



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They are produced free from any political influence.

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Summary of Principles – Data Access and Confidentiality

National Statistics Code of Practice – Statement of Principles

The National Statistician will set standards for protecting confidentiality, including a guarantee that no statistics will be produced that are likely to identify an individual unless specifically agreed with them.

Respondents will be informed of the main intended uses and access limitations applying to the information they provide to statistical inquiries.

The same confidentiality standards will apply to data derived from administrative sources as apply to those collected specifically for statistical purposes.

Data provided for National Statistics will only be used for statistical purposes.

Where information identifying individuals must be given up by law, it will be released only under the explicit direction and on the personal responsibility of the National Statistician.

Everyone involved in the production of National Statistics will be made aware of their obligations to protect provider confidentiality and of the legal penalties likely to apply to wrongful disclosure. These obligations will continue to apply after completion of service.

Data identifying individuals will be kept physically secure. Access will require authorisation and will only be allowed when the Head of Profession is satisfied the data will be used exclusively for justifiable research and that the information is not reasonably obtainable elsewhere.

Introduction

For background information on this document please see *An Introduction to the National Statistics Code of Practice and its supporting Protocols*.

Purpose

This protocol sets out how the National Statistician, departmental Heads of Profession for Statistics, Chief Statisticians in the devolved administrations and, with their authority, other members of the Government Statistical Service will meet their commitment to guarantee to protect the confidentiality of statistical data within their care. Statistical data include data collected specifically through censuses and surveys for statistical purposes, as well as data derived from administrative systems where those data then form part of a statistical product.

The Protocol establishes policies for protecting confidentiality when processing statistical data and publishing outputs. It sets out the conditions and procedures which govern access to data, including access to data for research purposes, together with appropriate action in the event of unauthorised data disclosure. It covers all statistical data that are required to be kept confidential, including those collected from persons, households, businesses and other organisations, whether from surveys, censuses or administrative sources.

Particular words within the text have defined meanings which are set out in the introductory guide described above, and these meanings must be understood when applying this protocol.

Exclusions

Some statistical studies, for example those measuring performance at schools or hospitals, require the identification of statistical units. In these cases, the identification of individual professionals and clients is covered by this protocol, but insofar as it is a legal requirement, the identification of the particular institution is not. Nor does the protocol cover the technical details of statistical disclosure control methods. Other than access arrangements, the principles covering data matching are covered in a separate *Protocol on Data Matching*. Issues relating to the confidentiality of statistics between completion of an output and publication are covered in the *Protocol on Release Practices*.

Whilst the Data Protection Act 1998 applies only to living persons, a Common Law duty of confidentiality continues to apply to the statistical records of those no longer living; other Acts may also apply. Unless explicitly required by law, the confidentiality guarantee and other principles of this protocol will apply equally to the living and those thought to be, or known to be, no longer living. Similarly the guarantee will continue to apply to businesses, organisations and other non-personal undertakings after they have ceased trading, merged, or been subject to a take-over.

A guide to putting the principles into practice

1. The National Statistician will set standards for protecting confidentiality, including a guarantee that no statistics will be produced that are likely to identify an individual unless specifically agreed with them.
 - a) Every organisation producing National Statistics will publish a statement setting out its arrangements for maintaining the confidentiality of data used in National Statistics, and for providing access to that data. The statement must provide sufficient information to enable a judgement that the organisational and technical access control methods, and the management of those methods, comply with this protocol and are capable of maintaining the guarantee established under this principle:
 - i. The statement will include an outline of the organisation's statistical data access control procedures, as well as the statistical resources to which those procedures apply and, for each statistical resource, the name of the Responsible Statistician.
 - ii. The Responsible Statistician will always and only be the National Statistician, the Chief Statistician in a devolved administration, or a Head of Profession.
 - b) Statistical disclosure control methods may modify the data or the design of the statistic, or a combination of both. They will be judged sufficient when the guarantee of confidentiality can be maintained, taking account of information likely to be available to third parties, either from other sources or as previously released National Statistics outputs, against the following standard:

- i. It would take a disproportionate amount of time, effort and expertise for an intruder to identify a statistical unit to others, or to reveal information about that unit not already in the public domain.
- c) When considering the release of a National Statistic, the Responsible Statistician will take account of the following:
- i. The potential for group disclosure, i.e. disclosing information about each member of a group without identifying the individual members.
 - ii. The potential for an intruder to add variables to an external database, or to verify existing variables, to any useful degree of probability.
 - iii. The potential for any statistical unit to identify themselves; and if there is potential for self-identification, the Responsible Statistician will decide on release having considered all of the following conditions:
 - the release of the information would be lawful and ethical;
 - the potential for self-identification, in the context of the release, does not pose a threat to the credibility of the National Statistics guarantee of confidentiality;
 - the incidence of self-identification is likely to be rare and is not part of the design of the release;
 - it is unlikely that any statistical unit, having identified themselves, could use that knowledge, by deduction, to identify other statistical units in National Statistics outputs;
 - any non-statistical uses the information may have;

- where the information is personal, the statistical unit, following self-identification, could not reasonably claim that either the processing or the output could be used to make decisions relating to them as an individual, or to cause them substantial damage or substantial distress.
- d) For any National Statistic, statistical disclosure control measures will be adequate to ensure the confidentiality guarantee, and beyond that, as comprehensive as can be achieved without unduly compromising relevance, integrity and quality:
 - i. For any National Statistics output, indications of the effect on quality of statistical disclosure control methods will be provided in the metadata.
- e) If a source of data was prepared for statistical purposes, and not the result of an administrative process, then paragraphs (b) to (d) apply to all outputs, not just to those designated as National Statistics.
- f) Disclosure control procedures for each National Statistic will be periodically reviewed (typically every five years) in order to ensure that new technology, or the public availability of additional information, has not increased the risk of disclosure to a level where new procedures are needed.
- g) The National Statistician will maintain an exact, up to date and publicly available Exemptions Register, providing details of every instance known to him in which legislation expressly requires the disclosure of confidential information. (Please see Annex A for the current Exemptions Register):
 - i. Responsible Statisticians will ensure that any data under their care which is subject to disclosure required to meet a legal obligation, but which would otherwise be confidential, is made known to the National Statistician and entered on the Exemptions Register.

- h) The following are the only circumstances in which the confidentiality guarantee may not apply in principle (specific cases are listed in the Register of Exemptions) :
- i. There is consent for disclosure from the statistical unit.
 - ii. The information is also made available in the public domain and is released in accordance with Section 1 (j) iii of this protocol, with such cases being monitored by the Responsible Statistician.
 - iii. The information is released compulsorily in accordance with Section 5 of this protocol.
 - iv. The information is deemed to be of historical interest and is archived for long-term preservation, in accordance with the appropriate legislation and the National Statistics Code of Practice.
 - v. Access is given, subject to confidentiality constraints, to the Statistical Office of the European Communities (Eurostat), or to other international organisations, as specified in legislation or by treaty and/or under the direction of the Responsible Statistician, and where the Responsible Statistician retains by agreement, contract or regulation full control over the further use of the confidential data.
 - vi. The information is released under the express terms of a legal requirement as specified in the Exemptions Register. (Please see Annex A)
 - vii. Access to underlying data is granted under the responsibility of the Responsible Statistician to named individuals as part of a documented exercise, compliant with the law and this protocol, to review or improve the quality of National Statistics.

- viii. Where the statistical unit has been informed that processing for statistical purposes might take place outside the collecting organisation, access may be given to organisations that come under the professional responsibility of the Responsible Statistician.
- i) Where the Responsible Statistician transfers confidential statistical data to the Statistical Office of the European Communities (Eurostat), the data will not permit the direct identification of the statistical units. The Responsible Statistician will:
 - i. Ensure the transfer complies with national law.
 - ii. Keep an inventory of the confidential data transferred.
 - iii. Ensure the further use of confidential data is in accordance EU Regulation 831/2002, with all further uses added to the inventory.
- j) Within any statistical resource, the guarantee of confidentiality must be applied equally to all statistical units:
 - i. No specific statistical unit should be directly advantaged or disadvantaged as a result of being included in a statistical resource used for National Statistics.
 - ii. Where some – but not all – of the data from a statistical resource is already in the public domain, they will not for this reason be treated differently to the statistical resource as a whole.
 - iii. Where all the data used to produce a National Statistic are already in the public domain, they will only be made available for non-statistical purposes at the discretion of the Responsible Statistician. Any decision must consider the effect that making the information more readily available will have on the reasonable expectations of the

data providers, the impact on public perception of the role of a statistics department, the accuracy of the data relative to the definitive source, and any legal liability that might arise.

Data Governance

- k) where data are collected jointly or on behalf of more than one Department, they may be shared among those Departments listed at the time of collection as being the Data Owners, where this is otherwise lawful and in accordance with the National Statistics Code of Practice (please see 2 (b) i – iv below):
 - i. Data Owners are those who determine the purposes for which and the manner in which the data are, or are to be, processed.
- l) Where access to data is given to a third party – any organisation or individual who is neither a Data Owner nor the statistical unit – there will be a direct, written data access agreement for every statistical resource accessed and for each different purpose:
 - i. The data access agreement will be evidence in writing of the instructions determining the manner in which, and the purposes for which, the data are to be processed.
 - ii. Where data are personal data, and either of the parties is a non-government entity, the data access agreement will be a legally binding contract; where both parties are government bodies, the data access agreement will be a service level agreement.
- m) Where confidential data are made available to a third party, the instructions determining the manner in which and the purposes for which the data are to be processed, as set down in writing in the data access agreement, will be sufficient to ensure the confidentiality guarantee.

- n) When data originally collected outside the professional responsibility of the National Statistician are to be used in the production of National Statistics, a Responsible Statistician must be designated to that data in order to ensure that any processing complies with the National Statistics Code of Practice.
 - o) Regardless of ownership, where data are to be processed for National Statistics, the Responsible Statistician will guarantee the integrity and confidentiality of any process or analysis used in the production of National Statistics, and by doing so will respect absolutely the legal and regulatory framework, and all undertakings associated with the data.
2. Respondents will be informed of the main intended uses and access limitations applying to the information they provide to statistical inquiries.
- a) A guarantee of confidentiality will be given, at the time of collection, to respondents to National Statistics surveys and censuses.
 - b) For respondents to surveys and censuses as well as those providing data through administrative systems, and in addition to any legal or regulatory obligations, Responsible Statisticians will ensure that:
 - i. For any statistical resource, data providers and statistical units are readily able to identify the Responsible Statistician, and made aware that their data may be processed, and accessed by other government departments, for statistical purposes.
 - ii. Guarantees of confidentiality given at the data collection are put on record.
 - iii. Guarantees are actively upheld.

- iv. Appropriate action is initiated in the event that the undertakings are breached.
- c) Where statistical use of data collected for non-statistical purposes is agreed subsequent to collection, the Responsible Statistician will ensure, in addition to 2 (b) ii – iv, that:
 - i. The statistical processing meets any legal requirements relating to the original data collection and is compatible with any information given to data providers and/or statistical units at the time of collection.
 - ii. Steps are taken to ensure that, for any continuing or future collection, information on the statistical purposes of the collection are made readily available to data providers and/or statistical units.
- 3. **The same confidentiality standards will apply to data derived from administrative sources as apply to those collected specifically for statistical purposes.**
 - a) The legislation enabling the collection of data for administrative purposes often defines obligations to protect the confidentiality and privacy of those to whom the data relates. Where such data are used for National Statistics, the same confidentiality protection as that given to survey and census respondents will apply where the administrative records are processed for National Statistics, unless there are explicit limitations on confidentiality in the administrative legislation.
 - b) For administrative records which are used for National Statistics, access will usually require agreement of the administrative agency. The obligations of the enabling legislation may constrain access, including third party access, otherwise possible under the National Statistics Code of Practice.

4. **Data provided for National Statistics will only be used for statistical purposes.**
 - a) Where data are collected in a wholly statistical survey or census for the production of National Statistics, they will be used only for statistical purposes.
 - b) Where data to be used for National Statistics are a duplicate or extract of some or all of the data taken from a source that is not wholly statistical, governance of the duplicate or extract will comply with the National Statistics Code of Practice, and any subsequent processing, analysis or output of the duplicated or extracted data will be only for statistical purposes.
 - c) Where a wholly non-statistical source is directly processed in order to produce National Statistics, the source itself, and the purposes for which it exists, are unaffected by the National Statistics Code of Practice, while any processing, analysis or outputs derived from the processing will conform to the National Statistics Code of Practice and will be only for statistical purposes.
 - d) Data provided for National Statistics may be made available to other government departments, for both statistical and non-statistical purposes, where it is lawful. All instances of non-statistical use must be authorised by the Responsible Statistician and recorded in the Register of Exemptions.
 - e) Where statistical survey or census data used to produce National Statistics are processed outside the professional responsibility of the National Statistician, the Responsible Statistician must ensure that all processing, wherever it takes place, is only for statistical purposes.
 - f) Specific statistical units may be contacted subsequent to data collection and checking if one of the following conditions is satisfied:

- i. It was agreed in advance with the statistical unit concerned.
 - ii. It was included in the statement of purpose for which the data was collected at the time of collection.
 - iii. It is judged by the Responsible Statistician to be in the statistical unit's vital interests.
 - iv. The statistical units in a statistical inquiry are part of a follow-up inquiry, by or on behalf of the same organisation that was responsible for the original collection, for appropriately authorised statistical research.
5. **Where information identifying individuals must be given up by law, it will be released only under the explicit direction and on the personal responsibility of the National Statistician.**
 - a) Where data identifying statistical units are processed under the professional responsibility of the National Statistician and there is a court order or equivalent legal requirement to disclose the data, the Responsible Statistician must be personally satisfied that the order is legal in the circumstances, and that there is no legal alternative to complying with the order:
 - i. The Responsible Statistician will appeal, or request a judicial review, or otherwise pursue legal recourse, where there is a reasonable doubt concerning either the authority of the order or the absolute need for the identifying data, or justifiable concern at the likely effect on public trust in the integrity of National Statistics.
 - ii. Where a legal order is complied with, the Responsible Statistician will draw the attention of the ordering authority to any information necessary for the appropriate use of the data.

- iii. Where a legal order is complied with, the information disclosed in this way should only be given to an officer of the court or tribunal or to a named legal representative.
 - iv. Section 35 of the Data Protection Act (1998) permits personal data to be released for current or prospective legal proceedings. The proper use of this section for the release of personal data used for the production of National Statistics is a matter for the Responsible Statistician.
 - v. The Responsible Statistician will provide to the Information Commissioner advice of all requests that conflict with the National Statistics Code of Practice or the obligations of statistical legislation.
- b) Information collected for statistical purposes may need to be given up to an investigation or a court in pursuing a prosecution relating to statistical obligations. These cases will be agreed by the Responsible Statistician.
6. **Everyone involved in the production of National Statistics will be made aware of their obligations to protect provider confidentiality and of the legal penalties likely to apply to wrongful disclosure. These obligations will continue to apply after completion of service.**
- a) It is the duty of each Responsible Statistician to ensure that their staff, including any contractors, know and understand the confidentiality requirements of each of their statistical resources, and to ensure that anyone involved with the processing of the statistical resource is aware of the penalties of wrongful disclosure.
 - b) Wherever appropriate, the Responsible Statistician will use legal recourse to ensure the confidentiality of data under their care:
 - i. Those employed as civil servants are subject as a matter of course to the Civil Service Code and the Official Secrets

Act. Other relevant legislation includes the Data Protection Act 1998, the Statistics of Trade Act and the Census Act. Wherever possible, confidentiality clauses will be included in contracts – including in the terms and conditions of employment – of any individual or organisation involved in producing National Statistics.

- c) Those producing National Statistics will report immediately to the Responsible Statistician when, in the processing or release of National Statistics, confidential data has improperly been put into the public domain. As appropriate, the Responsible Statistician will advise those statistical units whose information has been disclosed, and seek recovery of the confidential data. An investigation into the breach will be undertaken and reported to the National Statistician.
 - d) Responsible Statisticians will seek to ensure that those involved in the production of National Statistics continue to respect confidentiality constraints after completion of service, including as appropriate:
 - i. confidentiality clauses in terms and conditions of employment;
 - ii. signed undertakings;
 - iii. employment, intellectual property, contract and information law, or powers under law relating to the Civil Service and statistical activity.
7. Data identifying individuals will be kept physically secure.
- a) Responsible Statisticians will produce departmental guidance on physical security of statistical data and must be satisfied that confidential data processed for National Statistics are protected to the security standards defined in that guidance and in this protocol. The general requirements for all organisations in

possession of information used for the production of National Statistics are:

- i. Security practices related to British Standard on Information Security Management (BS7799) or equivalent;
 - ii. Organisational and technical procedures which assure control of confidential data remains with the Responsible Statistician;
 - iii. Clear lines of responsibility and accountability for the protection of confidentiality in any outputs;
 - iv. Arrangements for the archiving or destruction of data that are no longer required.
- b) Access to confidential information will only be given to organisations which can show, to the satisfaction of the Responsible Statistician, that they are capable of maintaining the minimum security standards defined in this protocol, in departmental guidance on physical security and the general requirements outlined in 7 a) i – iv.
- c) The Responsible Statistician has the responsibility to audit the security arrangements of all those who have access to confidential statistical data, in order to be assured that protection is in accordance with the terms of this protocol. Such auditing will be expected to occur as a normal procedure and will be regularly reported by the Responsible Statistician.
- d) Everyone involved in the production of National Statistics will be required to report breaches of the provisions of this protocol to the Responsible Statistician, as named in the documentation relating to the statistical source.

8. Access (to identifying data) will require authorisation and will only be allowed when the Head of Profession is satisfied the data will be used exclusively for justifiable research and that the information is not reasonably obtainable elsewhere.

Principles of access

- a) Access to confidential data will only be granted where it is consistent with the aims of National Statistics.
- b) Data access arrangements will only be entered into with private individuals where there is an appropriate sponsoring organisation or referee.
- c) The Responsible Statistician will ensure that confidential data is only made available to organisations which are able to:
 - i. demonstrate a need to access confidential data in order to fulfil a stated statistical purpose;
 - ii. comply with the National Statistics Code of Practice.
- d) The Responsible Statistician will further ensure that confidential data is only made available when the purpose of the access and any resulting outputs are lawful, and that the outputs will satisfy any disclosure control policies applying to the statistical resource, or as specified by the Responsible Statistician.
- e) The Responsible Statistician will determine a level of access proportionate to the stated statistical purpose of the access, taking account of:
 - i. the organisation benefiting from the access, including such factors as laboratory facilities and compliance history;
 - ii. the type of information being accessed;

- iii. the method of access;
 - iv. customer needs.
- f) Some statistical collections are taken under legislation which includes requirements for disclosure, for example information relating to school, hospital and local authority performance. These collections will have specific agreed conditions, consistent with law and regulation, for disclosure of information that may be exceptions to the principles in this Protocol.

Arrangements for access

- g) Responsible Statisticians will keep an exact, up-to-date inventory of statistical resources within their care, and record the details of any access to confidential data provided to a third party. Records will include the information required by this protocol, including the data access agreement, and will be subject to audit as required by the National Statistician.
- h) In preparation for any access arrangement, the Responsible Statistician will determine which parts of the statistical resource are adequate, relevant and not excessive to achieve the stated statistical purpose for which access has been agreed. Remaining confidential data will be removed, aggregated or coded prior to access.
- i) Those granted access may be charged to cover any specific costs that arise in providing the access, in accordance with the *Protocol on Data Presentation, Dissemination and Pricing*.

Annex A

Register of Exemptions

The following should be read in conjunction with Sections 1(g) and (h) of this Protocol:

1. Under a Ministerial Direction or a notice from the Chancellor of the Exchequer, as delegated to the National Statistician, information collected by the Office for National Statistics under the Statistics of Trade Act may be disclosed for use by the government department or local authority authorised by, and for purposes specified in, that direction or notice.
2. Confidential commercial information may be disclosed under the provisions of the founding legislation of specific bodies or agencies, such as the Welsh Development Agency.
3. Certain information may be disclosed to local planning authorities within the meaning of the Town and Country Planning Acts.
4. Administrative data held by ONS on the Inter-Departmental Business Register (IDBR), and which have not been verified under the Statistics of Trade Act, may be disclosed to any government department for the conduct of statistical surveys. Information held by ONS on the IDBR which has been verified under the Statistics of Trade Act is subject to the provisions in paragraph 1 of this annex. Certain information from the IDBR can also be made available to certain non-departmental bodies with statutory functions. Details may be obtained from the ONS Data Protection Unit (The Office for National Statistics, Room 4200E, Segensworth Road, Titchfield, FAREHAM, PO15 5RR).

5. Commercial information may be used in criminal proceedings for any offence under the Statistics of Trade Act, or for a report of proceedings.
6. In the case of overseas trade statistics, UK and European legislation and convention permit 'passive confidentiality' to be applied.
7. Census returns less than 100 years old are generally closed to the public. The Registrar General is prepared to consider applications for the disclosure of certain personal information from the 1911 Census, for example, if it would enable the applicant to establish a legal entitlement and if the information is not available from any other source.
8. Disclosure of personal information collected in the census may be permitted in court in the case of Prosecutions under the terms of the Census Act 1920.
9. HMCE provides DTI with limited international trade information relating to energy, including details about traders.
10. The Agriculture Statistics Act allows the disclosure of information collected under that act to government departments, planning and development authorities, the Agriculture Training Board, the Food Standards Agency, some EU institutions (under Section 12 of the European Communities Act 1972), for criminal proceedings or where the Secretary of State believes it is in the public interest.
11. Information relating to an individual may be given up to that individual, through a subject access request made under the terms of the Data Protection Act 1998.
12. From 2005, under the Environmental Information Regulations, public bodies will be obliged, on request, to release information on emissions, and other information where there is no good reason not to.

Annex B

Data Access Agreement

The following should be read in conjunction with Section 1 (1) i and ii of this Protocol:

A **Data Access Agreement** will include the following:

- i. The name of the **Statistical Resource**, by which it should be known for reference purposes and which should distinguish it from other statistical resources.

Where both organisations are under the professional responsibility of the National Statistician –

- ii. In the **providing organisation**, the name of the **Responsible Statistician** who has care of the statistical resource, and in the **beneficiary organisation**, the name of the **Responsible Statistician** sponsoring the access. These will be the signatories of the agreement.

Where the providing organisation is outside the professional responsibility of the National Statistician –

- iii. **The name of the Data Owner.** This is an individual or organisation legally able to determine the manner in which, and the purposes for which, the data may be processed. For personal data, this will be a Data Controller as defined under the Data Protection Act 1998.
- iv. **The name of the Data Owner's representative** where appropriate. This must be an individual authorised to enter the organisation into a legally binding contract.

- v. **The name of the Responsible Statistician** in the beneficiary organisation. This will be the person responsible for the proper statistical use of the named data during the access period, including approval of the statistical purpose of the access and assurance that confidentiality will be guaranteed and security arrangements adhered to.

Where the beneficiary organisation is outside the professional responsibility of the National Statistician –

- vi. ***The name of the Responsible Statistician*** who has care of the statistical resource. This will be the person responsible for the proper statistical use of the named data during the access period, including approval of the statistical purpose of the access and assurance that confidentiality will be guaranteed and security arrangements adhered to.
- vii. **The name of the Data Beneficiary.** This will be the organisation or individual benefiting from the access. It will be responsible for upholding the data access agreement, and liable for any breaches or issues that may arise.
- viii. **The name of the Data Beneficiary's representative,** where appropriate. This will be an individual authorised to enter the organisation into a legally binding contract or agreement.

In all cases –

- ix. **The name of the Main Statistical Contact.** This is the person who will be undertaking or supervising the statistical research.
- x. **Statistical Purpose/Outputs.** A description of the statistical purpose of the access, and of any intended published outputs.
- xi. **Review.** A description of the arrangements by which the agreement is to be reviewed. This should include details of what is likely to happen if the exercise is found to be deviating from its stated purpose or the targets are not being met.

- xii. **Lawful Use.** A description of the legal authority under which the data are to be processed for the stated statistical purpose. Legal powers include crown prerogative or may be implied or explicit in statute.
- xiii. **Ethics and Supervision.** An indication of whether a steering committee or ethics committee will oversee the access. If so, details should be given, including the name, status and relevant expertise of each of the members.
- xiv. **Matching.** The beneficiary must declare whether or not they have in their possession, or are likely to acquire during the access period, any data that could be matched with the data to be accessed. If any matching is to take place, details must be provided of the datasets to be matched, reasons for the matching and the authority under which it is to take place. Beneficiaries must declare that no unspecified matching will occur.
- xv. **Duplication.** Any intended duplication of the data, in any medium, must be specified, including duplication that may be necessary to deliver the data to the beneficiary. The beneficiary must declare that no unspecified duplication will occur.
- xvi. **Dispute Procedures.** Any disputes arising between the providing and beneficiary organisations will be resolved initially between the principals to the agreement. The agreement should specify any further recourse before entering the agreement. Otherwise, outstanding issues will be referred to the National Statistician.
- xvii. **Time Limits.** It must be specified when the access will begin and end, including any arrangements for extending the access.
- xviii. **Closure.** It must be specified how the data is to be returned or destroyed at the end of the access period.

In signing a data access agreement, both parties will indicate their understanding and agreement to the following –

- xix. **The National Statistics Code of Practice** has been made available and it is clear that all aspects of the access will comply with the Code in its entirety.
- xx. **Freedom of Information.** The access agreement, including any subsidiary agreements with contractors and sub-contractors, and a list of the signatories, will be made available to the public on request and included as part of the metadata attached to any of the outputs arising from the access.
- xxi. **Undertakings.** The access is compliant with undertakings made at the time of collecting the data.
- xxii. **Consent.** Any consents required – including withdrawals of consent, as may be appropriate – are acknowledged and the access is in compliance with the scope of any consent given.
- xxiii. **Definitions.** The meaning of relevant terms, including those describing statistical frames, classifications, and disclosure risk, are commonly understood by reference to a readily available glossary or metadata.
- xxiv. **Disclosure Protection.** The techniques for aggregation before transfer, and any further disclosure protection techniques as part of the output design, are satisfactory to both parties and are clearly described in the metadata.
- xxv. **Training.** The training required to ensure that relevant staff are sufficiently skilled and confident to carry out their duties in respect of the access is in place.
- xxvi. **Contractors and Sub-Contractors.** If any processing is to be done by contractors or sub-contractors, this will be with the knowledge and agreement of the Data Owner and the Responsible Statistician.

- xxvii. **Audit.** The Responsible Statistician – or as appropriate, the Data Owner – may require an on-site audit of confidentiality and security procedures and practices, or a report of such an audit to be supplied. The contractor and any sub-contractors should be required to grant on-site access to the Responsible Statistician, the Data Owner or their authorised representatives. Details of how the audit will be carried out should be annexed to the agreement before it is signed.
- xxviii. **Reporting Breaches.** If there is a breach or suspected breach of confidentiality, or a breach of any of the undertakings to statistical units included in the access data, the Data Owner or their representative, as specified in this agreement, and the Responsible Statistician, will be informed immediately. The information should include an assessment of impact.
- xxix. **Indemnities, Losses, Insurance.** Arrangements to cover any claims, losses or indemnities that may arise as a result of the access must be annexed to the agreement and available to the signatories before this agreement is signed, and otherwise kept readily available to both parties.
- xxx. **Security.** Details of the security arrangements covering the entire access, including information about access to the room in which the data will be held, control of personnel, and adherence to physical and IT security standards (such as BS7799), satisfactory to both parties, must be annexed to the agreement and otherwise kept readily available.

References

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