

## High-Level Meeting of Directors-General and Presidents of NSIs in the European Statistical System on the use of privately held data under the revised Regulation (EC) No 223/2009 on European Statistics

Warsaw, Poland 10-11 April 2025

EU Survey ("Updated summary of the ESS questionnaire on legal access to privately-held data at national level") developed under Polish Chairmanship in the Partnership Group in 2020 - summary

The questionnaire, initiated by the Partnership Group Task Force (PG TF) on access to PHD, aimed to gather knowledge on national legal frameworks to support efforts in gaining legally-based access to PHD for official statistics.

### Key Findings and Trends:

- **Use of Privately-Held Data:** A majority of NSIs (National Statistical Institutes) use PHD for statistical data production, though the extent and nature of usage varies.
- **Types of Data Used:** Common PHD sources include scanner data (for price statistics), mobile phone data (for tourism and mobility statistics), satellite imagery (for agriculture), credit card data (for national accounts), and web-scraped data. A wide variety of other sources are also used, ranging from airline booking data to smart meter data.
- **Purpose of Using PHD:** PHD is used for various purposes, including:
  - Improving the accuracy, timeliness, and granularity of existing statistics.
  - Creating new statistics in emerging policy areas (e.g., tourism, mobility, online economy).
  - Reducing respondent burden.
  - Supporting policy needs in areas like tourism, housing, agriculture, economic policy, and public health.
- **Legal Frameworks: Varied and Often Problematic:** The legal landscape governing access to PHD is complex and varies significantly across ESS member states.
  - Some NSIs have a general legal basis for accessing PHD, while others rely on bilateral agreements, negotiations, or voluntary cooperation.
  - Many NSIs report that existing legislation is either insufficient, unclear, or does not explicitly address the issue of access to PHD.
  - Even with legal rights of access, practical obstacles remain, such as reluctance from private entities to share data, concerns about data sensitivity and GDPR compliance, and the argument that big data falls into a different category and is not subject to existing statistical laws.

- **Effectiveness of Legal Right of Access:**
  - Many NSIs expressed that their right of access to PHD is limited, ineffective, or not fully supported by national legislation. Some rely on voluntary agreements, which may require payment for the data.
  - A common issue is that even where a legal right of access exists, it may not apply to personal data or may be subject to various conditions and restrictions.
- **Actions Taken at National Level:** NSIs are pursuing various strategies to improve access to PHD, including:
  - Lobbying for changes to statistical legislation.
  - Influencing other sectoral laws.
  - Developing national data policies and strategies.
  - Raising awareness among the public and private sector about the benefits of using PHD for official statistics.
- **Actions Needed at EU Level:** There is strong support among ESS members for EU-level initiatives to facilitate access to PHD.
  - A multi-level approach is favored, including revisions to Regulation 223/2009, the insertion of relevant provisions in other horizontal legal acts (e.g., the Data Act), and the inclusion of provisions in sectoral legislation (e.g., ePrivacy Regulation).
  - A common EU approach is seen as more promising than individual countries pursuing their own legal provisions.
- **Success Stories and Future Communication:** Many ESS members are willing to provide statistical success stories demonstrating the value of PHD for official statistics. These examples could be used in strategic communication to advocate for improved access to PHD.