

Regulation on access to individual data for scientific purposes

CHAPTER I

The object

1. This Regulation lays down the conditions under which the National Bureau of Statistics (NBS) may grant access to individual data for scientific research projects.
2. The regulation is developed for the execution of the Law on official statistics no. 93 from 26.05.2017, in accordance with 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.

CHAPTER II

Definitions

3. For the purposes of this Regulation, the following definitions shall apply:

individual data - data that allow the identification of legal and physical persons

secure use files - confidential data intended for scientific purposes to which no other method of controlling statistical disclosure has been applied

scientific use files - confidential data intended for scientific purposes to which statistical disclosure control methods are applied in order to reduce to an appropriate level, in accordance with current best practice, the risk of identifying the statistical unit

statistical disclosure control methods - methods of reducing the risk of disclosure of information on statistical units, usually based on volume restrictions or data changes (based on statistical methods)

access system - the physical or virtual environment and its organizational structure that allows access to individual data for scientific purposes

scientific research project (research project) - it is considered a complex of interdependent activities and actions through executors, deadlines and resources, which aim to acquire new knowledge, formulate and verify new hypotheses and theories in one or more fields of science

entity carrying out scientific research projects - legal person, public or private, carrying out one of the following activities: basic and / or applied research, experimental development, implementation of scientific results and innovations, technology transfer, preparation and improvement of scientific staff (hereinafter research body)

CHAPTER III

General principles

4. The research entity intending to obtain access to individual data for scientific purposes shall submit a request to the NBS in accordance with the established model.
5. The NBS examines the request submitted by the research entity and provides a response to the applicant regarding the results of the examination.

6. The NBS may grant access to individual data if the following conditions are met:
 - a. the research entity meets the conditions provided in chap. IV of this Regulation;
 - b. an appropriate research proposal from the intended researcher is submitted to the NBS use of individual data for scientific purposes.
7. In the case of the eligibility of the scientific entity and the research project, the request for access shall be made on the basis of a contract expressly stating the purpose of the use of the data, the conditions of use and other obligations to be met by the scientific research entity and the researchers.

CHAPTER IV **Research entity**

8. Access to individual data for scientific purposes may be granted only to research entities. Individual researchers cannot be granted direct access to individual data.
9. Access to research entities is based on the following criteria:
 - a. the assessment of the purpose of the entity, which is carried out on the basis of its statute, mission or other statement of purpose;
 - b. proven experience or image of the entity as a body producing quality research and publishing its results; the entity's experience in conducting research projects is assessed on the basis, inter alia, of the lists of available publications and the research projects in which the entity has participated;
 - c. modalities of internal organization for research: the research entity is a separate organization with legal personality, focused on research, or a research department within an organization. The research entity must be independent and autonomous in drawing scientific conclusions and separate from the political sphere of the body to which it belongs;
 - d. safeguards in place to ensure data security: the research entity meets the technical and infrastructure requirements that guarantee data security.
10. An entity wishing to be recognized as a research entity in order to gain access to individual data held by the NBS must provide the following documents:
 - a. The registration form (Annex 1 to this Regulation) completed and signed by the duly designated representative of the research entity, indicating the type of individual data, requested for scientific purposes and other information contained in the form.
 - b. Confidentiality undertaking and conditions of use (Annex 2), completed and signed by the duly appointed representative of the research entity.
11. The NBS shall, within 15 working days of receipt, evaluate the information provided in the documents referred to in point 10 and inform the research entity of the decision taken (see Chapter VII, point 25).

CHAPTER V **Registration form**

12. In the application form for access to individual data (Annex 1 to this Regulation), the research entity shall provide information on its ability to comply with the evaluation criteria specified in Chapter IV.

13. The NBS may request the research entity to submit, if necessary, additional information on the application form.
14. The research entity must inform the NBS of any changes in the organizational structure of the entity that occurred after the submission of the Registration Form or after the conclusion of the contract for access to individual data with the NBS. If a research entity already recognized as eligible for access to individual data for scientific purposes fails to comply with its obligations under the confidentiality undertaking or no longer meets the criteria listed in Chapter IV, the NBS will suspend the entity's access to individual data requested for scientific purposes.
15. Once the research entity is recognized and has signed a confidentiality statement, the researchers in the entity are allowed to submit research proposals. Researchers should:
 - a. have concluded an individual employment contract with the research entity, or
 - b. have concluded a contract for the provision of services (in duly justified cases) with the research entity, or
 - c. be PhD students at research institutions, which carry out advanced research projects, recognized by a supervisor employed by the research entity. The doctoral student's supervisor (supervisor) must be identified in the research proposal as the principal investigator, and the doctoral student - as the individual researcher.
16. The relationship between the researcher and the research entity must allow the research entity to impose disciplinary sanctions on the researcher in the event of misuse or negligent use of the data.

CHAPTER VI

Confidentiality undertaking

17. In the Confidentiality undertaking (Annex 2 to this Regulation), the duly designated representative of the research entity undertakes to ensure that the individual data requested for scientific purposes will be accessed only for the appropriate research proposal (s) and to ensure physical security of the data, including the prevention of breaches of confidentiality and the taking of measures if they occur.
18. The Confidentiality undertaking shall include all researchers who will have access to individual data for scientific purposes on the basis of submitted and approved research proposals. The confidentiality undertaking is the commitment of the research entity to comply with the requirements of confidentiality and the conditions for the use of individual data for scientific purposes.
19. This statement shall inform the research entity of the assumption of responsibility for compliance with its obligations.
20. The confidentiality undertaking shall identify the contact person responsible for arranging access to the recognized research entity in accordance with the relevant obligations.
21. The model for confidentiality undertaking can be used by research entities of the Republic of Moldova and those located outside the Republic of Moldova.

CHAPTER VII

Research proposal

22. Researchers belonging to a research entity recognized by the NBS and wishing to receive access to individual data for scientific purposes must submit to the NBS the following documents:
 - a. Research proposal (Annex 3 to this Regulation);

- b. Individual confidentiality undertaking (Annex 4) for each researcher to access individual data for scientific purposes.
23. The research proposal shall indicate in sufficient detail:
 - a. the entity requesting access;
 - b. the legitimate purpose of the research (ie a scientific purpose);
 - c. an explanation of why this purpose cannot be achieved using aggregated data;
 - d. individual researchers who will have access to individual data for scientific purposes;
 - e. the data sets to be accessed and the methods of their analysis;
 - f. the expected results of the research to be published or disseminated.
24. As a result of the evaluation of the research proposals, the NBS shall inform the recognized research entity (as eligible for granting access to individual data for scientific purposes) within 10 working days of the decision taken, indicating the cost of data preparation services and deadlines for granting access to individual data.
25. In order to reduce the period for granting access to individual data for scientific purposes, the research entity may submit the Research Proposal (*Annex 3 to this Regulation*) and the individual Confidentiality undertakings (*Annex 4*) together with the submission of the Registration Form (*Annex 1*) and of the Confidentiality undertaking (*Annex 2*).

CHAPTER VIII

Access to individual data

26. Individual data for scientific purposes is available in the form of files for secure use and in the form of files for scientific use.
 - 26.1. *Access to secure use files*
 - a. Access to secure-use files requires access to the "secure room" and is permitted only by authorized persons listed in the Research proposal application form.
 - b. The "secure room" is located at the NBS headquarters and is equipped with a computer that restricts the unauthorized transmission of any type of data outside the access point and does not allow:
 - data printing
 - copying data outside the secure environment
 - connection of recording devices
 - internet connection
 - connection to the NBS internal network
 - installation or removal of any device or program;
 - changing computer parameters.
 - c. The final results will be subject to statistical disclosure control to ensure that the data is adequately protected.
 - d. The work schedule of the "secure room" is set by the NBS and is posted on the official NBS website.

26.2. Access to scientific use files

- a. Access to scientific use files requires their transmission to the research entity. The files are encrypted and transmitted in accordance with the provisions of the contract concluded with the NBS (by email, external storage units, etc.).
- b. Scientific use files shall be transmitted subject to the provision of appropriate security guarantees within the research entity requesting the data. The entity requesting files for scientific use will ensure:
 - i. adequate physical security of the entity's premises / rooms and its information systems;
 - ii. proper storage of data in computer systems with secure access;
 - iii. proper storage of the environment and external storage units (USB stick, USB disk, memory cards, etc.) containing individual data;
 - iv. proper preservation of the results of the analysis containing individual data (restricted access to the room and computer hosting the results).
- c. The data will be protected in such a way that the risk of identifying statistical units is adequately reduced.
- d. The scientific use files are used by researchers only for the purposes specified in the research proposal and will be destroyed at the end of the research (on the date specified in the research proposal), informing the NBS (Annex 5 to this Regulation).
- e. In the event of exceptional and long-term closure of research premises due to exceptional circumstances, access to scientific use files may take place from other locations (mainly the researcher's home), provided that:
 - i. the entity submits an appropriate request to the NBS;
 - ii. the researcher provides evidence that the premises of his / her research entity remain closed for at least four weeks;
 - iii. the research entity provides a secure connection, allowing researchers to remotely and securely access data stored at the research institution's premises;
 - iv. downloading data to any other equipment outside the research entity's premises, such as computers and devices, and / or copying / uploading files to cloud computing or remote storage systems from third parties is prohibited;
 - v. the contact person of the research entity for access to individual data for scientific purposes of the NBS, is informed and allows such remote access of researchers.
 - vi. The principal researcher of the project will provide the NBS with a signed statement that these conditions are met (with the necessary information about the secure connection).
- f. Researchers will ensure data security while working remotely.
- g. The measures listed in point "e" are intended to facilitate access to individual data for scientific purposes of the NBS in exceptional circumstances, without compromising data security. These measures are only valid for the period of closure of the research establishment because of these exceptional situations.
- h. The application of statistical disclosure control methods ensures that individual data for scientific purposes are adequately protected and at the same time allows researchers to obtain as much detailed information as possible.
- i. In order to accept the publication of the results, upon completion of the work with the data in the scientific files, the research entity shall submit the nominated results to the NBS, for the application of data disclosure control methods and ensuring that the research results do not refer to identifiable individual units.

- j. The research entity has no right to publish the results of the research or to transmit them to third parties until the NBS has agreed to publish the results of the research (see the Publication Guide).

CHAPTER IX

Contract for access to and use of individual data

27. A contract is concluded between the NBS and the recognized¹ research entity for access to and use of individual data for scientific purposes (Annex 6 to this Regulation), if the research proposal has been accepted by the NBS.
28. The contract is concluded for a period not exceeding three years.

CHAPTER X

Organizational issues

29. The NBS will publish on its website:
 - a. This Regulation (including the Annexes).
 - b. Publication guide.
 - c. Secure room work schedule.

CHAPTER XI

Payment for services provided by the NBS

30. The value of the services provided by the NBS for the preparation of individual data for scientific purposes and the granting of access to them will be established by the NBS and specified in the contract on access to and use of individual data for scientific purposes.

Annex to the Regulation:

Appendix 1	Registration form for research entities
Annex 2	Confidentiality undertaking (model)
Annex 3	Research proposal application form
Annex 4	Individual confidentiality undertaking
Annex 5	Declaration of destruction of scientific files provided by the NBS
Annex 6	Model of Contract on access and use of individual data

¹ Eligible for granting access to individual data for scientific purposes