

# Official review of the French statistical law

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## 1. Purpose of the review

The French statistical law has been enacted in 1951, exactly 50 years ago. Its main modification occurred in 1986, through an extension: the derivation of statistics from administrative data was incorporated in the law. The law sets only general principles, leaving several possibilities for detailed management. In particular, the law has created an advisory Committee, called Statistical Confidentiality Committee, responsible for matters in the domain of businesses. Statistical issues regarding confidentiality for natural persons are under the responsibility of the National Commission for Freedom and Information Technology, which is a power body that guarantees privacy in France. The Statistical Confidentiality Committee is a sub-committee of the National Council for Statistical Information, which is in charge of the definition of the statistical workprogramme, and allocates the status of compulsory survey to some inquiries conducted by the French statistical system. Under the statistical law, the minister supervising the INSEE (French National Statistical Office) and other ministers supervising particular statistical production departments can make legal decisions to define the implementation procedures of the statistical law. Several ministries have a statistical directorate, which conducts the program of official surveys in the domain of competence for these ministries.

The 50<sup>th</sup> anniversary of the law gave an opportunity to examine if these decisions were still satisfactory, and if some proposals for change had to be made. Even shortcomings in the legal possibilities given by the statistical law could be identified and proposal for improvement made accordingly. An ad-hoc working group has been appointed by the Statistical Confidentiality Committee. Its mandate was to consider the following points: i) coherence of existing national practice and rules derived from the European integration, in particular the new European laws on privacy and on statistical confidentiality ii) trade-off between protection of secrecy for businesses and the need in society for local or very detailed economic information iii) the need for statistical individual data for academic training of students in economics or social sciences iv) the limited subset of individual information that can be made public due to the great social need and the extremely limited damage of the secrecy breach for these businesses.

## **2. Conduct of the review**

The working group was composed of three members of the employers' associations, two researchers and University Professors in Economics, two statisticians from Ministries, two from INSEE Headquarters and one Regional Director of INSEE. After a thorough review of the legal basis and administrative procedures for granting access to individual data, members of the group made proposals to modify some current practices or legal possibilities. Some background on individual information made public by law due to the European or French directives on information on legal persons involved in economic activity was given as benchmark. All the discussion dealt with finding an appropriate equilibrium between four sometimes conflicting objectives: keep a high level of trust in the confidentiality granted by the statistical system, valorise better the collected information for global society's sake, give more access to information necessary for researchers in economics and social science, avoid the increase of statistical burden on businesses if individual information already collected is not made available to other users.

## **2. Preliminary result of the review**

The proposal of the working group will mainly support three directions for improvement of national practice. The first proposal is to avoid considering that a statistical aggregate is confidential, if the underlying information is also made public either directly by the businesses, or due to legal publicity for legal persons. The second proposal is to make the current system of access to statistical individual data by researchers more transparent. A third one is to use methods for protection of individual information (like perturbation, micro-aggregation, etc.) in order to produce individual data suited for academic teaching. In addition, the working group recommends that a specific ad-hoc group tackles the issue of statistics derived from administrative data: whereas official statisticians can access such data by law, the procedures given by the statistical law to grant researchers access to individual data only apply to data collected from compulsory survey and not from administrative files. The increasing share of statistics derived from administrative data and the according expected decrease of surveys would limit scientific research.

## **REFERENCE**

European Union (1997), Council Regulation n° 322/97 on Community Statistics

République Française (1951) Law n° 51-711 on Statistics as regards coordination, secrecy and compulsory collection (and subsequent revisions)

## **RESUME**

Le système légal français en matière de statistique a fait l'objet d'un examen par un groupe ad-hoc après cinquante ans d'existence. Les principales propositions d'amélioration sont présentées.