

Annex 12.2

Confidentiality undertaking

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 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 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.

Signature: _____

Done at (state location)

Date: