# European statistics on safety from crime

2011/0146(COD) - 19/09/2011 - Document attached to the procedure

**Opinion of the European Data Protection Supervisor on the proposal for a regulation of the European Parliament and of the Council on European statistics on safety from crime**.

On 8 June 2011, the Commission adopted a proposal for a regulation of the European Parliament and of the Council on European statistics on safety from crime.

**Objectives and scope of the proposal**: to recall, the proposal aims at implementing a new survey in the European Union on safety from crime. It will set up a common framework for producing comparable European statistics through the collection, compilation, processing and transfer of harmonised European data. The categories of data to be processed are detailed in Annex I to the proposal, and include detailed questions on the socio-demographic background of respondents to the survey, possible incidents of sexual and physical violence that they might have suffered, their feelings of safety and their attitudes to law enforcement and security precautions.

The proposal regulates the transmission of confidential data from Member States to the Commission (Eurostat), as well as the dissemination and the access to data for scientific purposes. Practical arrangements for the data coding scheme and for exchanging micro-data will be adopted by means of implementing acts.

EDPS conclusions: concerned about the processing of sensitive data in this specific survey and the possibility of identifying victims and aggressors of physical and sexual violence, the EDPS recommends, in particular, the following:

- the description of the variables 'identification of respondent' and 'who did it' should be modified to **avoid unnecessary direct identification of data subjects**. In addition, in order to also avoid indirect identification, the EDPS recommends anonymising the micro-data as soon as possible in the sense of Directive 95/46/EC and Regulation (EC) No 45/2001 (no possibility of identification, taking into account all the means likely reasonably to be used);
- in case that, due to the level of detail that is necessary for the survey, anonymisation of the micro-data in the sense of Directive 95/46/EC and Regulation (EC) No 45/2001 cannot be guaranteed before transmission to Eurostat or before granting access to researchers, data which are anonymised in the sense of Regulation (EC) No 831/2002 (minimisation of the risks of identification) might be processed;
- **confidential data should only be used if it is necessary**, i.e. if the same purposes cannot be achieved using anonymous micro-data data, and if this necessity is clearly justified in the proposal;
- in these cases, the 'substantial public interest' justifying the processing of sensitive data should be further clarified and explicitly stated in the text of the proposal. It should also be ensured that **all the categories of personal data to be collected and processed are relevant and not excessive for this specific purpose**;
- until data are anonymised in the sense of Directive 95/46/EC and Regulation (EC) No 45/2001, adequate technical and organisational measures to ensure the confidentiality and security of personal data processed should be implemented, taking into account the risks represented by the processing and the sensitive nature of the data to be protected. In addition, the processing will be subject to prior checking by the EDPS;
- lastly, the EDPS would welcome a request for consultation as regards the review of Regulation (EC) No 831/2002 and the practical arrangements for the data coding scheme and for exchanging micro-data that will be adopted by means of implementing acts.