

# **Good Practice Advisory Committee**

## **Fifth Report**

December 2018

## Introduction

The Good Practice Advisory Committee (GPAC), hereinafter referred to as the Committee, was established under the provisions of Article 4 of the Hellenic Statistical Law (no. 3832 of 9 March 2010, as amended). The Law stipulated that the Committee should be comprised of five members as follows:

- a) One member nominated by the Hellenic Parliament;
- b) One member nominated by the European Statistical Office (Eurostat);
- c) One member nominated by the European Statistical Governance Advisory Board (ESGAB);
- d) One member nominated by the European Statistical System Committee (ESSC); and
- e) One member nominated by the Hellenic Data Protection Authority.

The President of the Hellenic Statistical Authority (ELSTAT) is entitled to participate in the Committee on a non-voting basis.

The task of the Committee, as stipulated in the Law, is to prepare an annual report on the implementation of Principles 1 to 6 of the European Statistics Code of Practice in the Hellenic Statistical System. The report is to be submitted to the Hellenic Parliament, having informed the European Statistical Governance Advisory Board accordingly, and shall be made public following submission to Parliament.

In accordance with the Law, and having consulted with the various nominating bodies, the Minister of Finance issued a Decision (Ref. No. Δ6A1001384EΞ2013, as amended) in January 2013, convening the Committee and appointing five members for the two-year period 2013-2014 inclusive. In accordance with its mandate, the original Committee produced two annual reports in September 2013<sup>1</sup> and December 2014<sup>2</sup> respectively over the course of its term of office, which terminated at the end of 2014. In line with the Law as then applying, the future of the Committee was reviewed by the Greek Authorities and it was decided that the Law should be amended to establish GPAC as a permanent advisory committee, with members appointed by the Minister to serve for two-year terms. The Law was duly amended in July 2015 and the Minister of Finance issued a Decision (Ref. No. 0002491EΞ2016) in March 2016 appointing new members for the period 2016-2017 inclusive. This Committee produced two annual reports in December 2016<sup>3</sup> and December 2017<sup>4</sup> respectively over the course of its term of office, which terminated at the end of 2017. Once again, the Minister of Finance

---

<sup>1</sup> [http://www.statistics.gr/documents/20181/1195539/report\\_adv\\_2013\\_EN.pdf/ade26414-2d3d-4eb8-9752-731663065fdf](http://www.statistics.gr/documents/20181/1195539/report_adv_2013_EN.pdf/ade26414-2d3d-4eb8-9752-731663065fdf)

<sup>2</sup> [http://www.statistics.gr/documents/20181/1195539/report\\_adv\\_2014\\_EN.pdf/198f48ca-2b5b-4a53-8a5cbcff2165e810](http://www.statistics.gr/documents/20181/1195539/report_adv_2014_EN.pdf/198f48ca-2b5b-4a53-8a5cbcff2165e810)

<sup>3</sup> [http://www.statistics.gr/documents/20181/1195539/report\\_adv\\_3rd\\_EN.pdf/594fae41-5542-4bf3-bee9-6e878752586d](http://www.statistics.gr/documents/20181/1195539/report_adv_3rd_EN.pdf/594fae41-5542-4bf3-bee9-6e878752586d)

<sup>4</sup> [http://www.statistics.gr/documents/20181/1195539/GPAC\\_4th\\_Report\\_2017.pdf/63133c54-37f4-478b-baab-116ce53239e4](http://www.statistics.gr/documents/20181/1195539/GPAC_4th_Report_2017.pdf/63133c54-37f4-478b-baab-116ce53239e4)

issued a Decision (Ref. No. 2/20895/0004 in March 2018 appointing new members for the period 2018-2019 inclusive. Details of the members appointed to the re-convened Committee are given in Appendix 1. Ms. Christina Karamichalakov from ELSTAT was appointed Secretary to the Committee. Mr. Athanasios C. Thanopoulos, who was appointed as President of ELSTAT in February 2016 in succession to Mr. Andreas Georgiou, participated in GPAC meetings in accordance with Article 4.5 of the Law.

The first meeting of the new Committee took place on the 5th of June 2018 and Mr. Stephan Moens, Advisor General at Statistics Belgium and nominee of the ESSC, was elected as Chairman. Given the relatively short period of time available for the preparation of the 5<sup>th</sup> report, the Committee decided to reduce the size of the report and to focus on some issues that are particularly relevant to its mandate rather than systematically reviewing all principles of the Code of Practice. A particular focus would be put on: Principle 1bis, Coordination, including the certification process in the Hellenic Statistical System; Principle 3, Adequacy of Resources; and Principle 5, Statistical Confidentiality and Data Protection, with special attention for the implementation of GDPR. The Committee met subsequently on two occasions, namely, on the 10/11th September 2018, when it had interactions with senior staff of ELSTAT and Other National Authorities and with a number of external stakeholders, and also on the 18th December 2018 to formally adopt the Fifth Annual Report of GPAC.

The current report does not follow the structure of the 3rd and 4th Annual Reports but concentrates, in a lighter form, on a series of particular issues. GPAC plans to prepare an exhaustive and full report in 2019.

## **The revision of the European Statistics Code of Practice and its impact on the work of GPAC**

The European Statistics Code of Practice was revised on 16 November 2017. This was the second revision of the Code of Practice, originally adopted in 2005. Following the 2011 update of the text, it aimed at reflecting recent changes and innovations in the development, production and dissemination of official statistics in the European Statistical System and beyond, such as emerging new data sources and the use of new technologies. It also focused on the modernisation of the legal framework, particularly on the alignment of the Code of Practice with the related provisions of the amended Regulation 223/2009 on European Statistics and on the results of the peer reviews on the implementation of the Code of Practice.

Of particular importance to the work of GPAC is the extension of Principle 1 with a Principle 1bis on Coordination. GPAC had already undertaken a review of the certification process in the Hellenic Statistical System; this can now be refined in the context of this new principle. Other new points of the Code of Practice which could be relevant to the work of GPAC are the introduction of a new indicator under Principle 2 about access to other data, such as privately held data; the reformulation of Indicator 4.2 to include the integration of data from multiple data sources; the reformulation of Indicator 5.5, to include reference to the protection of the security and integrity of statistical data.

In fulfilment of its legal mandate, GPAC will from now on monitor the implementation of Principles 1 (including 1bis) to 6 of the European Statistics Code of Practice, as laid down in the version decided upon by the European Statistical System Committee on 16 November 2017 and published on the website of Eurostat<sup>5</sup>.

---

<sup>5</sup> <https://ec.europa.eu/eurostat/web/quality/european-statistics-code-of-practice>

## **Particular issues relevant to the implementation of the Code of Practice in the Hellenic Statistical System**

### **The new organisation of ELSTAT in the light of the Code of Practice – Principles 1, 1bis, 3 and 4**

During the GPAC meetings of June and September 2018 considerable time was spent examining the proposed new organigram of ELSTAT both from the viewpoint of its final operational structure and from that of its implementation process. This project has been given high priority by the President of the Authority and also received considerable attention in the 4th report of GPAC. GPAC is pleased to note that all the important issues, raised at internal level in respect of the new organisational structure, have now been resolved and that, therefore, after more than one year of preparatory work, the proposal is now in the final implementation phase in which the number of staff to be allocated to new units will be finalised and job descriptions prepared. It is planned that the new organigram will be submitted to the Council of State for formal adoption in early 2019.

This Report will focus firstly on aspects related to the target organisation to be put in place, analysing its main advantages and identifying the key areas. It then reviews the implementation process, and more specifically the steps that remain until the new organisation is fully operational.

#### ***Target organisation.***

*Quality management in ELSTAT as a driver of improvement both of outputs and processes.*

Although it has not yet been decided how exactly this function will be handled in the new structure, GPAC is concerned about a possible departure from the quality management and assurance system that was set up in 2014 and received considerable attention in its 4th Report. In that report GPAC analysed this system and gave explicit support to the approach taken and issued a number of recommendations for the practical implementation of different instruments. In particular, the Committee stressed the importance of the High-Level Group for the Supervision and Management of the Quality of Statistical Works in ELSTAT (HLG on Quality) in giving leadership and direction on quality issues. However, ELSTAT management expressed doubts about the effectiveness of the HLG on Quality. It was indicated that these doubts might be mainly related to the complexity of the current working structure, in particular the highly dispersed responsibilities. The Committee would stress the importance of ensuring continued adherence to the principles underlying the current quality management system. In particular, it would emphasize the need to ensure that there is active engagement by top management in the prioritisation and direction of the system. Tackling quality issues at a sufficiently high level should have the effect of fostering

a quality minded organisation, where the use of standardised quality tools is spread throughout the organisation.

Cross-cutting groups that deal with horizontal issues, such as quality, data collection, dissemination, information systems etc. will make a strong contribution to the new organisation. While some of these groups in a variety of forms currently operate in ELSTAT, their formal establishment by top management with clear terms of reference and reporting requirements will ensure their proper functioning as well as signalling the involvement of the management.

The establishment of a top management board meeting regularly and therefore formalising the current practice, will ensure the involvement and collegial responsibility of senior officials on all the office activities.

*Reinforce the capacity of ELSTAT to certify the statistical operations of the other agencies of the ELSS.*

Interviews with representatives from some of these agencies, while showing a diverse level of progress in this certification process, revealed that adequate tools are available and best practices from some agencies can be used as an example to be followed by other less advanced agencies. The specific case of the National Documentation Centre (discussed below) could be considered a good practice in this context. It should be noted that the leadership of ELSTAT is vital to the success of the certification process and will be enhanced within the new organisational structure, specifically by the creation of a dedicated Quality and Certification Unit.

*Create a Division for Data Collection in charge of all collection tasks.*

The creation of this Division was already welcomed in the 4<sup>th</sup> Report as a means of improving quality and timeliness, while reducing cost and burden on respondents. The Division will collect data for all domains and will also process multisource information covering, besides survey data, administrative data and big data. Setting up such a Primary Data Collection Division will create substantial benefits and economies of scale. The challenges here will be to have the adequate skills and resources available for this paradigm change in the data collection processes. The proper resourcing of this Division, not only in terms of staff numbers but also, critically, in terms of adequacy of skills and access to appropriate technology, is considered essential for the proper accomplishment of the Division's function, which is fundamental to the modernisation of the organisation.

*A more rational composition of the sectoral divisions*

GPAC welcomes this development, which involves bringing together related areas that could benefit from synergies in processing and analysing as well as in adopting new methods - as is now envisaged for instance in the case of the Structural Business Survey, Short Term

Statistics, the Business Register and the Structure of Earnings Survey. Putting together dispersed units will certainly generate synergies, save resources and promote many improvement actions within the wider sectoral domains. The establishment of such integrated divisions is also deemed positive in order to facilitate the use of the quality assurance instruments identified in the 4<sup>th</sup> Report, specifically: self-assessments, quality audits and checklists, systematic assessment of the quality of data sources and development and implementation of policies for the reduction of the burden on respondents.

#### *Adoption of a more process based organisational model*

The adoption of the new organigram will involve a major step by ELSTAT in adopting a more process based organisational model, which is based on the Generic Statistical Business Process Model (GSBPM) that has been recommended internationally for adoption by National Statistical Institutes. This will require a greater focus on the documentation of processes and the creation of workflows and timetables that will allow for the exchange of information amongst units that contribute to the statistical processes. Further, the need for an integrated system for monitoring all statistical works has been identified by senior managers.

Overall, the Committee welcomes the new organigram and would expect that significant improvements will be realised when the new organisation is in place.

GPAC would therefore put forward the following **recommendations**:

- A thorough reflection on the quality function in ELSTAT should be undertaken to ensure that a quality minded organisation is in place, that reporting on quality is analysed at an appropriate level and that top management is fully involved.
- Consideration should be given to the establishment of a top management board, which through meeting regularly and formalising the current practice, will ensure the commitment and responsibility of senior officials.
- A number of cross-cutting groups that will deal with horizontal issues, such as quality, data collection, dissemination, and information systems etc. should be formally established.
- The availability of adequate staffing and resources for the planned Primary Data Collection Division should be ensured as a top priority, so that the new Division can face the challenges of developing new data gathering approaches and generate synergies for ELSTAT to the maximum extent.

#### ***Approval and implementation process.***

GPAC had also the opportunity to get acquainted with the process needed to put in place the new organisation and with the steps that remain until it is finally effective. While the

main objectives of this report are not to look back into the past, but to concentrate on these remaining steps, it is worth mentioning, in order to have a complete perspective, that the work on this project started more than one year ago with the establishment of a group, which included several ELSTAT senior managers, mandated to produce an organigram proposal. An internal scrutiny of this proposal identified several issues that had to be solved before it was considered acceptable to launch the approval procedure at external level.

The current situation is that, once the proposal has been cleared internally, work will be required to identify staffing levels in the different units and to draft the corresponding job descriptions. ELSTAT is confident that this work will be completed by the end of 2018 and the proposal can then be submitted to the Council of State. In principle, the President of ELSTAT does not anticipate important changes in the proposed structure since the number of managerial levels, which is usually the most problematic issue, remains the same as in the current organigram.

Approval can be expected in early 2019. All managerial positions, up to the level of Heads of Unit, will then become vacant and will be gradually advertised for filling by competition to which Greek public officials can apply. Depending on the level of the post, the selection panel may include senior officials from outside ELSTAT and, for the highest posts, these will be in the majority on the selection panel. At his discretion, the President may retain the current managers *in situ* on a temporary basis until the competition is resolved or appoint new acting managers for these temporary positions. This will be decided on a case by case basis and probably the result will be a mixture of these two situations. It can be anticipated that a delicate balance will be required in order to appoint suitable new managers, in the expectation that they will be successful in obtaining permanent postings, while avoiding frustration and disappointment among those losing their current managerial positions.

The implementation of the new organigram will also be affected by the need to increase overall staff numbers in ELSTAT by up to 30%, partly to prepare for the upcoming Census of Population. During our discussions, ELSTAT has not shown concerns about the approval of at least part of this increase, especially on a Census year as is 2019. However, the problem of recruitment will remain as applicants must come from other areas of the Greek Public Administration and, furthermore, there are strong overall limits on the number of officials in the Greek administration. This may have a serious impact on the recruiting capacity for these extra posts with the risk that many of them could remain vacant for a long time.

Overall, it is difficult to estimate the time that will be needed to have the structure at an operational level that can be deemed satisfactory. At a minimum, a one to two-year time frame can be anticipated. Situations such as these can foster uncertainty. It is vital that top management is pro-active in identifying potential risks from the outset and developing strategies and contingency plans for coping with them in an effective and timely manner.

### **Adequacy of Resources – Principle 3**

The mission of the Hellenic Statistical Authority (ELSTAT), as a member of the European Statistical System, is the systematic development, production and dissemination of the official statistics of Greece, as well as the assurance and continuous improvement of the quality of the Hellenic Statistical System's statistics. A key point for the successful accomplishment of this mission is the fundamental recognition that ELSTAT's distinct legal and institutional nature as an independent Authority, which also belongs to the European Statistical System, must be supported by greater flexibility in its operation and choice of means of action. Furthermore, an additional key point is the assurance of ELSTAT's credibility and reliability by consistently and systematically producing outputs of high quality and acting according to the principles of the European Statistics Code of Practice.

GPAC considers that in some areas, the established rules do not give ELSTAT sufficient flexibility to be competitive on the labour market. For very specific projects that are limited in time, it might be advisable to make use of market services. For others, it may be useful, within the rules of the Greek public administration, to add a number of provisions to the Regulation on the Operation and Administration of ELSTAT, based on article 12 of the Greek Statistical Law to provide greater flexibility. The following examples are not exhaustive.

1. *Communicating ELSTAT's work to the largest possible part of the population correctly*

This requires designing, developing and managing the necessary communication policies, plans and actions, with the obligation to disseminate statistical information correctly, according to the European Statistics Code of Practice. This project cannot be fulfilled in an optimal manner by ELSTAT's existing staff. For this reason, sufficient flexibility should be given to ELSTAT to hire communication consultants, such as journalists, in order to organise and manage the aforementioned project.

2. *Operating correctly by following the current accounting regulations and standards.*

This refers to the application of the Sectoral Chart of Accounts to the Legal Entities under Public Law, which was enacted with the Presidential Decree No 205/98, i.e. the double entry bookkeeping system in General-Analytical Accounting. This task requires specialised knowledge and experience. Therefore, sufficient flexibility should be given to ELSTAT to hire external consultants, such as accountants, to advise on the general accounting operation of ELSTAT, the application of the double entry bookkeeping system, and the compilation of financial statements.

3. *Increasing need for legal services*

ELSTAT needs specialised legal advice regarding a plethora of matters arising from the legal complexity it is facing. This justifies why it is necessary for ELSTAT to have the ability and flexibility to receive consultancy services from highly specialised external solicitors or local solicitors based on the area that a judicial or other act is required and without being restricted to use only its Senior Legal Counsel.

4. *Receiving specialised consultancy services by experts when conducting research.*

GPAC is pleased to note that ELSTAT' budget has been increased by €11 million in 2019, partly in order to prepare the next Censuses of Population and Agriculture. This could also, in the long term, strengthen the financial situation of ELSTAT.

In addition, GPAC was informed that the intention is expressed to bring the Joint Overall Statistical Greek Action Plan (JOSGAP) to an end after the budget allocated for 2019 is used. Established in 2009, the programme has provided support for the development of the institutional infrastructure of official statistics in Greece. Moreover, it has provided dedicated resources for the development of specific statistical areas, notably National Accounts and Government Finance Statistics. The Committee was informed that this support amounted to approximately 150.000€ per annum, which has permitted ELSTAT to engage experts from outside Greece.

GPAC recommends that ELSTAT conducts an assessment of the resources implications of the discontinuation of this source of funding.

### **Certification of Statistics produced by the Agencies of the ELSS – Principles 1bis and 2**

Article 11, paragraph 6, of the Greek Statistical Law stipulates that ELSTAT has the responsibility for certifying as “official statistics” statistics produced by the other designated agencies of the Hellenic Statistical System (ELSS). ELSTAT has organised the certification process in two stages: In the first stage, the institutional environment for statistics is to be established within each Agency; in the second stage, the focus is on the quality of the individual statistical processes and products. As it was already stated in the 3<sup>rd</sup> GPAC report from 2016, this multi-stage procedure for assessing the individual statistical outputs is described in the manual “Statement of Principles and Procedures for the Certification of ELSS Statistics”. The procedure which each Agency has to follow contains the following steps: a) the Agency has to prepare quality reports for the statistics in accordance with

Article 7, paragraph 2, of the Regulation on Statistical Obligations of the ELSS agencies; b) discussions take place with the representatives of the Agency who are responsible for the statistics; c) the Agency provides written evidence; and d) ELSTAT compiles observations in relation to compliance of the statistics with the requirements of the European Statistics Code of Practice. The Certification Report compiled by ELSTAT is the basis for certifying the statistical output as “official statistics”.

The certification process has been underway since 2015 and good progress is being made despite the onerous requirements and the limited number of staff available within ELSTAT for the work. GPAC was informed that there are currently 22 ministries and other agencies, including ELSTAT and the Bank of Greece, that are designated under the Law as Agencies of the ELSS<sup>6</sup>. This represented an increase of seven in the number of designated agencies compared to the situation in 2017. In three cases, the increase was due to the decision to designate agencies supervised by Ministries as separate ELSS Agencies, namely: the National Documentation Centre; the Hellenic Civil Aviation Authority (HCAA); and the Hellenic Telecommunications and Post Commission (HTPC). The remainder of the increase was due in equal measures to Government decisions to create new Ministries or split existing Ministries. Nine of the ELSS Agencies<sup>7</sup> are also designated as Other National Authorities for the purposes of producing European Statistics.

At its September 2018 meeting, GPAC was informed about progress in completing the first stage (relating to the institutional environment) of the certification process in each of the designated Agencies. It was noted that many agencies have achieved the following: formally appointed Statistical Heads; produced Quality and Statistical Confidentiality policies; and published annual work programmes and release calendars on their websites. These are all positive developments and indicative of the positive response of the Agencies to the certification process. In order to complete this stage of the process, ELSTAT has requested all the Agencies to provide a timetable for the completion of the remaining tasks before the end of 2019. GPAC welcomes this initiative as it is important for the integrity and credibility of the ELSS to bring this first stage of the certification process to an early conclusion in all Agencies.

As part of the first stage, each Agency was required to identify all individual statistical outputs that could be considered for certification. To-date a list of 222 products has been identified and it is published (in Greek only) on the ELSTAT website. This is quite an extensive list and the certification of these outputs will constitute the second stage of the process. In its fourth report, GPAC put forward the following recommendations for implementing the second stage:

---

<sup>6</sup>[http://www.statistics.gr/documents/20181/1196143/Agencies\\_HSS\\_23102018\\_EN.pdf/4283fa48-9201-4679-ba9a-df4b6e6508c1](http://www.statistics.gr/documents/20181/1196143/Agencies_HSS_23102018_EN.pdf/4283fa48-9201-4679-ba9a-df4b6e6508c1)

<sup>7</sup>[http://www.statistics.gr/documents/20181/1196143/National\\_Authorities\\_HSS\\_23102018\\_EN.pdf/f33e0ed9-3822-416e-82b7-447a1674d830](http://www.statistics.gr/documents/20181/1196143/National_Authorities_HSS_23102018_EN.pdf/f33e0ed9-3822-416e-82b7-447a1674d830)

- The certification of the most important statistical outputs and of sensitive statistics should be given high priority in the certification process.
- ELSTAT and the Agencies should agree in advance on a set of objective criteria for the inclusion of statistics (e.g. relevance, coverage, repetition, statistics included in the European Statistical Programme, statistics to be transmitted to European organisations, production according to national/international standards, definition of official statistics in the Greek statistical law). This would facilitate the decision about the list of statistics and avoid unnecessary and lengthy initial discussions between ELSTAT and each Agency.
- The certified statistics should be publicly separated from the non-certified ones. In this way, pressure will be placed on agencies to complete the certification of all their important statistics.
- The certified statistics of the ministries should be hosted on the ELSTAT website (or the relevant links should be prominently displayed). The certified statistics should be included in the release calendar on the ELSTAT website.
- The certification process should move faster and an implementation timetable should be drawn up. The implementation timetable should be mentioned in the Hellenic Statistical Programme and in the ELSTAT Annual Statistical Work Programme, and completion of the process steps, and also delays in completion, should be reported in the ELSTAT Annual Reports.

In view of the large scale of the second stage, and having regard to the limited staffing resources available, the Committee would again encourage ELSTAT to adopt these recommendations so that the process can be completed in a timely and transparent manner.

For the purposes of advancing its knowledge of the ELSS and the progress of the certification process, GPAC met representatives from the National Documentation Centre (NDC) and the Ministry of Labour, Social Security and Social Solidarity. The contrast provided by these two organisations was very useful for the Committee in getting a fuller understanding of the different challenges faced by ELSS Agencies.

As mentioned above, the NDC, which is supervised by the Ministry of Education, Research and Religious Affairs, has only recently been designated as a separate ELSS Agency. It is a relatively small organisation (c. 100 employees) and its mission is to “collect, document, manage, disseminate and preserve quality digital content and data produced by the Greek scientific, research and cultural communities”. As part of its mandate, it produces indicators and statistics on Research, Development, Technology and Innovation in Greece and is the designated Other National Authority for the production of European Statistics in these domains. The Director of the Centre is the designated Statistical Head and it cooperates closely with ELSTAT – for example, the sample of enterprises for its Innovation Survey is drawn from the ELSTAT Business Register. As a relatively new organisation with a modern infrastructure, and with a mandate that is compatible with that for the production of official

statistics, it is well placed to meet the requirements for certification of its official statistical outputs.

The Ministry of Labour, Social Security and Social Solidarity, on the other hand, is a large organisation with a number of disparate functions undertaken in its constituent directorates. Statistical production is done independently within the individual directorates and divisions and is generally based on the large administrative databases held by the Ministry. The Ministry has appointed a Statistical Head, who is a very senior official with a wide range of responsibilities. The Statistical Head is supported by a small Working Group, which is composed of staff engaged in statistical work in the directorates, in coordinating statistical work throughout the Ministry. To the extent that this type of arrangement may also pertain in other large ministries, the Committee would recommend that it is examined closely to clarify how the Statistical Head is enabled in practice to implement his/her role, particularly in regard to deciding on methodological issues relating to individual outputs, as envisaged in the certification manual.

### **Statistical Confidentiality and Data Protection, with special attention for the implementation of GDPR – Principle 5**

In its fourth report, GPAC recommended that ELSTAT should take appropriate steps to prepare for the obligations deriving from the General Data Protection Regulation (GDPR), in application since 25 May 2018. GDPR recognises the importance of processing activities for statistical purposes and considers such processing activities compatible with any other processing purposes and foresees the possibility of special legal provisions at national level<sup>8</sup>.

ELSTAT has been active in this direction by participating in the public consultation on the national draft law on GDPR and submitting suggestions mainly focused on derogations relating to processing activities for statistical purposes. Also, ELSTAT designated a Data Protection Officer (DPO) in good time as required under the GDPR Regulation.

---

<sup>8</sup> According to recital 156 (GDPR), the processing of personal data for statistical purposes should be subject to appropriate safeguards for the rights and freedoms of the data subjects. Those safeguards should ensure that technical and organisational measures are in place in order to ensure, in particular, the principle of data minimisation. The further processing of personal data for statistical purposes is to be carried out when the controller has assessed the feasibility to fulfil those purposes by processing data which do not permit or no longer permit the identification of data subjects, provided that appropriate safeguards exist (such as, for instance, pseudonymisation of the data). Member States should provide for appropriate safeguards for the processing of personal data for statistical purposes. Member States should be authorised to provide, under specific conditions and subject to appropriate safeguards for data subjects, specifications and derogations with regard to the information requirements and rights to rectification, to erasure, to be forgotten, to restriction of processing, to data portability, and to object when processing personal data for statistical purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.

Furthermore, the Committee is pleased to note that ELSTAT identified key implementation steps towards complying with GDPR and has started the related work. The key implementation steps identified so far by ELSTAT refer to: the maintenance of a record of processing activities under its responsibility including the identification of areas of exposure; the documentation of data handling procedures; the review and implementation of necessary security measures; the revision of the existing data protection policy where necessary; the establishment of a code of conduct; the adoption of measures to inform and adequately train the staff, and the design and implementation of a data breach plan.

The Committee takes a positive view of the above-mentioned implementation steps and urges ELSTAT to pursue their full implementation as soon as possible. Furthermore, the Committee encourages ELSTAT to adopt the 'data protection by design and by default' as well as the 'data protection impact assessment' approaches for any new processing system or existing system being modified, in line with the following guidelines:

- to apply the approach of data protection by design and by default when creating new or modifying existing information systems, taking into account the purposes of the processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons posed by the processing;
- to carry out an assessment of the impact of the envisaged processing operations on the protection of personal data (data protection impact assessment) in cases where the processing is likely to result in a high risk to the rights and freedoms of natural persons, as for instance when sensitive data are processed;

On the other hand, GPAC encourages ELSTAT to investigate the necessity of providing in national law derogations for statistical purposes in line with the provisions of art. 89 of GDPR.

As to the signing of a confidentiality declaration by the staff, there is still no progress, since the relevant decision of the Administrative Court to which the disputed issues were referred is still pending. However, the long-standing absence of such a declaration remains a matter of concern.

Finally, the Committee welcomes ELSTAT's expressed vision to pursue the development of organisational and technical solutions that allow handling data at their sources where appropriate, thus limiting the threats relating to transfer, storage and processing of the data in ELSTAT's information and network infrastructure. Such an approach would preserve data protection, since the risks to the rights and freedoms of natural persons are widely eliminated. However, GPAC would point out that this may not always be the optimal solution where the objective is the maximisation of the use of administrative data for statistical purposes.

## Remarks on the Court proceedings – Principle 1

Unfortunately, the court proceedings against the former President of ELSTAT, Mr Andreas Georgiou, continued throughout 2018. The proceedings are now in their eighth year. A chronology of the development of the proceedings up the middle of 2017 was included in the fourth GPAC report. In 2018 the main developments were as follows:

- In the criminal case relating to the charge of artificially inflating the 2009 debt and deficit statistics, the Supreme Court in May 2018 accepted the proposed annulment by its Chief Prosecutor of the second acquittal ordinance of the Council of the Appeals Court and referred the ordinance back to the Council for re-examination. As a result, the Council of the Appeals Court was required to initiate a full review for a third time of the criminal charge against Mr Georgiou and his two former colleagues
- Subsequently on the 25<sup>th</sup> of September 2018, the assigned prosecutor of the Appeals Court recommended to the Appeals Court Council that the case against Mr. Georgiou and his two senior colleagues be referred to open trial. It might be noted that in both previous occasions when the Appeals Court Council had considered the case, the assigned prosecutor had recommended that the defendants be acquitted while the assigned prosecutor now recommends referral to open trial.
- In a separate development, the Supreme Court rejected Mr Georgiou's appeal against his conviction, and two-year suspended prison sentence, by the Appeals Court on the misdemeanour charge of not putting up the 2009 EDP figures for approval by the former ELSTAT Board. This decision by the Supreme Court rendered the conviction and prison sentence irreversible.

As GPAC already stated in previous reports, it has not detected to-date any negative impact on the functioning of ELSTAT or the wider National Statistical System. GPAC nevertheless remains concerned that the proceedings have the potential to adversely affect the public perception of the credibility and objectivity of Greek official statistics, both within Greece and internationally. In short, such a perception will continue to be a concern as long as the criminal charge against the former President of ELSTAT, and two senior colleagues, that they artificially inflated the 2009 debt and deficit figures with the intent of causing damage to the Greek state, is maintained before the courts.

Viewed solely from an official statistics perspective, the acquittal decisions of the Council of the Appeals Court were to be expected as the figures in question, and the underlying methodologies, were validated by Eurostat from the outset as fully meeting exacting standards for European statistics. Indeed, the methodology that was introduced for the first time in respect of the 2009 figures, has been used by ELSTAT in each subsequent year up to the present and the resultant figures have been validated by Eurostat. Furthermore, the figures have been publicly accepted by the Greek authorities (including by the Prime Minister and Government) as providing an accurate statistical assessment of the debt and

deficit situation in Greece. Even recently, the Prime Minister stated in an interview with a German newspaper that “We have never made a secret of our acknowledging his [Mr. Georgiou’s] figures”. While acknowledging that justice and trials are independent, he added: "However, should we be asked by the court to testify in his [Mr. Georgiou’s] favour, we would do that." GPAC warmly welcomes this statement. Furthermore, GPAC notes that in November 2018 Commissioner Thyssen, who has responsibility for Eurostat within the EU Commission, confirmed at a plenary session of the European Parliament that “the Commission has full confidence in the reliability and the accuracy of data produced by the statistical authority in Greece under Mr Georgiou’s leadership in the years from 2010”.

From the statistical perspective, therefore, the decision of the Prosecutor of the Appeals Court is difficult to understand. While not wanting to interfere with ongoing legal proceedings, GPAC would still urge the Greek authorities to find some means to bring the controversy over the 2009 figures, and the related figures produced prior to 2009, which were previously the subject of severe criticism by Eurostat<sup>9</sup>, to an early conclusion. In the event of the prosecution going to open trial, GPAC would consider that it would be highly desirable that the clear endorsement of the contested figures by the Greek and EU authorities, both political and statistical, at the highest levels should be given due consideration by the Court.

As to the irrevocable conviction, in August 2017, of Mr Georgiou by the Appeals Court of the misdemeanour charge of not putting up the 2009 EDP figures for approval by the former ELSTAT Board prior to their public release, GPAC, while not wanting to challenge a legal decision, can only reiterate what was said in its 4th report, i.e. that indicator 1.4 of the European Statistics Code of Practice unequivocally states that the Head of the National Statistical Institute has “sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases”. This can only be interpreted that he or she “neither seek[s] nor take[s] instructions from any government or other institution, body, office or entity”, as was subsequently clarified in art. 5a of Regulation (EC) No 223/2009 on European Statistics, as amended by Regulation (EU) 2015/759.

Finally, in its 4th report, GPAC mentioned that it was pleased to note the acceptance of the recommendation in its 3rd Report that the President of ELSTAT, or senior officials acting on his/her authority, should be indemnified against any legal costs arising from challenges to professional decisions taken in the course of undertaking their duties. Unfortunately, progress in the implementation of this recommendation has been very slow. GPAC is disappointed that the indemnification procedure is taking a long time to be completed (between 5 and 10 months) and would urge the competent commission to speed up its activities and adhere to the two months deadline originally envisaged for making decision.

---

<sup>9</sup> [http://ec.europa.eu/eurostat/documents/4187653/6404656/COM\\_2010\\_report\\_greek/c8523cfa-d3c1-4954-8ea1-64bb11e59b3a](http://ec.europa.eu/eurostat/documents/4187653/6404656/COM_2010_report_greek/c8523cfa-d3c1-4954-8ea1-64bb11e59b3a)

## Appendix 1

### *Information on the members of the Good Practice Advisory Committee*

- *Stephan Moens, Advisor General and Head of International Strategy and Coordination at Statistics Belgium (retired as from 1 September 2018), nominee of the European Statistical System Committee (ESSC), Chairman of GPAC*
- *Eleni Bitrou, Head of the Parliament Members Support Division of the Hellenic Parliament, nominee of the Hellenic Parliament, Member of GPAC*
- *Pedro Diaz Muñoz, former Director Sectoral and Regional Statistics at Eurostat, nominee of Eurostat, Member of GPAC*
- *Gerry O' Hanlon, former Director General of the Irish Central Statistics Office, nominee of the European Statistical Governance Advisory Body (ESGAB), Member of GPAC*
- *Dr. Vasileios Zorkadis, Director of the Secretariat of the Hellenic Data Protection Authority, nominee of the Hellenic Data Protection Authority, Member of GPAC*