

From a Data Protection Authority to a Data Controller — Experiences within Eurostat**

Moving from a supervisory role to advising a data controller involves a shift in responsibility and perspective. When advising a data controller, further to general knowledge, the legal experts need sector-specific knowledge to advise data controllers effectively. Networking with other experts is crucial to ensure that high level of expertise is available.

Even if not expressly mandated, privacy professionals have a prominent role in building data protection culture in the given organization. This includes prominently raising awareness of data protection among staff members.

Statistical confidentiality naturally aligns with data protection needs. Successful enforcement involves constructive collaboration with respondents and feasible solutions.

The EU has introduced significant changes in the statistical framework in 2024 through the amendments to the Regulation on European statistics. In recent years, the emphasis shifted from survey data to administrative data and new technologies. Private data holders are obliged under the new framework to provide data for free to produce European statistics.

National Statistical Institutes and Eurostat can access personal data under strict conditions when requesting privately held data. This general provision needs to be complemented with a sectoral legislative act, listing the categories of personal data that may be accessed. When accessing and processing personal

* PhD, Legal and Policy Officer and Data Protection Coordinator of Eurostat.

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data for statistical purposes, both GDPR and EU DPR continue to apply.

The essay concludes that privacy professionals are integral to their organizations, contributing to mission success. They suggest optimal, lawful adjustments whenever necessary and foster a data protection culture. Ensuring compliance and trust-building is fundamental in producing official statistics.

Keywords: *Privacy professionals, Data Protection Authority, National Statistical Institutes, statistics, data protection culture, privately held data*

1. Introduction

For me, the Spring Conference is not just one of the many events held in the field of data protection. It has a special place in my heart as I have attended many of these yearly gatherings and had the honour to host two Spring Conferences in Budapest, Hungary. First in 2016 and then in 2023. The latter event marked a closing moment of the first half of my career. In May 2023, I was still on the stage as part of the hosting team of the event, and in August same year, I opened a new chapter in my professional life and joined the European Commission, and more closely the Statistical Office of the European Union: Eurostat.¹

Moving from the Data Protection Authority (DPA)² to a data controller is not only a significant move in a person's career but also has far-reaching implications in their daily work. More precisely, the perspective changes completely: the supervisory authority usually judges the lawfulness of a processing operation ex post, while within the data controller's organization the data protection specialist contributes to the decision-making process by advising the data controller. This is an utterly different form of responsibility, which, although based on the same foundations, fundamentally changes the logic and dynamics of one's work.

This is my personal journey that has been ongoing since 2023. I have attended the Spring Conference in Tbilisi, Georgia, with this background.

¹ Eurostat is based in Luxembourg; it is the statistical office of the European Union and at the same time a Directorate-General of the European Commission. The Luxembourgish National Commission for Data Protection (CNPD) hosted the Spring Conference back in 2012.

² The author had been working for the Data Protection Authority of Hungary for almost twenty years. He was the first Seconded National Expert in the offices of the European Data Protection Supervisory in 2006-2007. He had been the Vice-president of the Authority for Data Protection and Freedom of Information in Hungary between 2012 and 2023.

2. Getting Ready to Advise a Data Controller

Working for a data protection supervisory authority and being part of the network of the DPAs within the European Union is, obviously, an excellent environment for an expert before joining a data controller. Whilst the experts working for the DPA have a sound horizontal knowledge about data protection, it is not necessarily the case regarding familiarity with sectoral legal expertise needed in each possible specific field. Therefore, it is necessary to get acquainted with the sectoral legislation and also the “DNA” of the data controller. Without having an insight into the functioning and features of the controller, the data protection expert will not be able to provide helpful advice for the colleagues seeking guidance.

Similarly, to other colleagues, my experience also confirmed how important the availability of a network of experts in similar situation is. This is not only relevant for the first period of the work but remains important later as well, when dealing with difficult cases, for example the application of new technologies. A good network that is available for the expert is indispensable to ensure the quality of everyday work.

3. Cooperation with Staff Members in Implementing Data Protection Legislation – Building Data Protection Culture

It is crucial that staff members are well aware of data protection rules so that they can turn to the data protection expert for advice in good time. My experience within Eurostat confirmed that it is the case, and it is not by accident so, as statistical confidentiality is one of the guiding principles throughout the everyday work of statistical offices. Statistical confidentiality refers to the protection of data linked to so-called statistical units, like companies, households and natural persons as well. Therefore, the protection of data in general is a natural requirement in the statistical world. It has always been my experience that colleagues working in the statistical field can easily identify relevant issues and questions from data protection point of view.³

The culture of prudent approach is deeply rooted in statistical offices as they publish vast amount of information on a daily basis and the publication of confidential data has to be avoided by all means.

Let's also talk about challenges. Enforcing data protection requirements are not always popular but they are well understood and implemented if the colleagues are well trained. It is also important that the Data Protection Coordinator (DPC)⁴ is constructive and is looking for alternatives and feasible solutions. This role cannot be an ‘ivory tower stance’, the DPC is part of the broader team and works for the success

³ Statistical confidentiality means “the protection of confidential data related to single statistical units which are obtained directly for statistical purposes or indirectly from administrative or other sources and implying the prohibition of use for non-statistical purposes of the data obtained and of their unlawful disclosure” (Article 2 (1) e) of Regulation (EC) 223/2009 on European Statistics).

⁴ Within the European Commission all Directorates-General have a Data Protection Coordinator (DPC). The Commission itself has a Data Protection Officer (DPO).

of the organisation. For me one of the key takeaways from the Budapest conference was what Anna Poliou, (shortlisted EDPS candidate in 2024), said. This is not a verbatim quote but still expresses the point: not saying *no* makes you a good privacy expert, but your ability to assist your organisation in *how* to achieve the goals in a manner that is lawful and compatible with privacy legislation.

Cooperation with colleagues on a regular basis, providing training for newcomers, assisting data controllers when assessing data protection related questions – this all contributes to an endeavour to nurture the data protection culture within the organisation. This culture might seem invisible for some time, the presence of a good data protection culture will though become clearly tangible when dealing with cases, especially complex cases.

4. The World of Statistics – Major Changes in the Framework Regulation

The framework Regulation on European statistics went through a significant amendment in 2024. The main goals behind the amendment are, first of all, to adjust statistical production to the state of the art and to harvest what is available in terms of new technologies and new data sources. This implies tapping the full potential of digital data sources and new technologies. In addition, the amendments aim to improve statistics and the functioning of the European Statistical System,⁵ in other words, to become more pro-active and produce statistics more efficiently. Finally, the framework will help to innovate statistical production and the development of new statistics.

5. Shift from Survey Data to Administrative Data Sources

In recent years, we are witnessing a clear shift from survey data to administrative data used for statistical production. You may still encounter surveys, like in the field of statistics of income and living conditions (SILC), where selected respondents are interviewed. But the main source is getting more and more administrative registers.

As the technological environment is changing and sharing of information is speeding up, there is a constant need to streamline statistical production to provide more timely, more precise, high-quality statistics.

⁵ According to Article 4 of the Regulation (EC) 223/2009 on European Statistics, „The European Statistical System (ESS) is the partnership between the Community statistical authority, which is the Commission (Eurostat), and the national statistical institutes (NSIs) and other national authorities responsible in each Member State for the development, production and dissemination of European statistics”.

6. Access to Privately Held Data

Private data holders are in possession of highly valuable data sets, let it be data related to bank card use, smart meters, mobile network operators, logistical companies, just to mention a few.

A new and general obligation has been imposed on private data holders by the amended framework regulation: private data holders are obliged to make data and relevant metadata available free of charge where the data is strictly necessary for the development, production and dissemination of European statistics, and cannot be obtained by other means, or, alternatively, the reuse of privately held data will result in a considerable reduction in response burden.⁶ This is an enormous change in statistical production and a long-awaited chance to better serve the decision makers with timely and high-quality statistics, which is the ultimate goal of European statistics and statistics in general.

7. Access to Personal Data among Privately Held Data

The co-legislators equipped the National Statistical Institutes and Eurostat with new and strong rights, meaning that they can have access, under strict conditions, to personal data among privately held data. The data minimisation and proportionality principle apply for data requests in general. In line with these principles, when it comes to access to data, as a main rule, only non-personal data may be requested.

In specific circumstances the list of personal data may be specified in sectoral legislation. This means that the amended framework legislation on European statistics is not a sufficient basis in itself to request personal data. It needs to be supplemented and further specified in another legislative act.

The Regulation on European Union labour market statistics on businesses (LMB)⁷ is the first sectoral legislation adopted after the Regulation on European Statistics was amended in 2024. This regulation specifies that any such request shall be limited to the personal data categories covered by the domains and topics specified in that Regulation.⁸ This provision also sets the limits of the personal data that can be requested from private data holders.

As this is still new set of rules and therefore no use cases can be presented in this essay, we have to limit our analysis to existing rules, waiting for future

⁶ According to Article 17b (1) of Regulation (EC) 223/2009 on European statistics, „...an NSI or the Commission (Eurostat) may request a private data holder to make data and the relevant metadata available free of charge where the data requested are strictly necessary for the development, production and dissemination of European statistics and cannot be obtained by other means or their reuse will result in a considerable reduction in the response burden on data holders and other businesses. Such data collections or data access may be included by the Commission in the annual work programme”.

⁷ The Regulation (EU) 2025/941 of the European Parliament and of the Council of 7 May 2025 on European Union labour market statistics on businesses is applicable from 1 January 2026.

⁸ More specifically, the list of possible data that can be requested is listed in Article 4 of the Regulation. According to Article 3 (3), „request shall be limited to the personal data categories covered by the domains and topics specified in Article 4 of this Regulation”.

implementation. In case of access, the entire data protection regime is, of course, applicable – at Member State level the GDPR⁹, at European Union level, for Eurostat, the so-called EUDPR.¹⁰ Data Protection Officers in each National Statistical Institutes and the Data Protection Coordinator within Eurostat will follow these requests and will be available for advice for their respective data controllers.

Access to data has always been based on close cooperation between statistical offices and data holders, with the attempt to limit the burden on respondents to the extent possible. This can be expected under the amended framework as well, and further to applying the restrictions on access to data and personal data, maintaining good cooperation with data holders will remain a cornerstone of the implementation of the new rules.

For statistical authorities, statistical confidentiality is not just an aspect of compliance. They put in place all the necessary technical and administrative measures to ensure the protection of confidential data, including personal data. Further to compliance, this is also part of trust building towards respondents.

This consideration reminds me of Giovanni Buttarelli, late EDPS, and his memorable statement. During the Global Privacy Assembly back in 2018 in Brussels in the European Parliament building, Giovanni Buttarelli said: *“For me, compliance with the law is not enough”*.¹¹ This is very true and relevant in the context of producing official statistics. Further to compliance and demonstrating compliance, trust building remains an important task for statistical institutes.

8. Conclusion

Based on the above analysis and my experience gained in my new role, some conclusions can be drawn. First, privacy professionals are not outsiders, but insiders, they are integral part of the organisation, and they can contribute to the success of the data controller’s main mission.

Second, privacy professionals must remain available to propose optimal and lawful solutions if there is a need for adjustment, rather than simply advise against or excluding possible solutions. They should take, whenever possible, a constructive stance to assist their respective controller in achieving their main goals. If successful, this work will go hand in hand with the establishment of data protection culture within the organisation.

⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

¹⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

¹¹ The speech is available online: <<https://www.youtube.com/watch?v=2gG1kY0L3a0>>.

Finally, privacy professionals can contribute to the trust building by ensuring and demonstrating compliance and have the capacity to act as a sort of ambassadors of their employers to the outside world.

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