



HSRC

*Social science that makes a difference*

## ACCESS PROTOCOL FOR USERS OF THE SURVEY DATABASES

### The Issues

1. The Centre for Science, Technology and Innovation Indicators (CeSTII) of Group: Knowledge Systems is committed to the generation, transmission and use of S&T knowledge that derives from its work in measuring the NSI through data collection, manipulation and interpretation.
2. The Department of Science and Technology (DST) is the ultimate owner of the R&D and Innovation Survey data, while CeSTII is the principal custodian of the data sets
3. The conduct of the Surveys is subject to the Statistics Act No. 6 of 1999 whereby confidentiality is enforceable under law<sup>1</sup>.
4. CeSTII, as a component of HSRC is bound by HSRC rules of confidentiality, ethical behaviour and copyright, except where such has been varied in writing.
5. In carrying out the Survey fieldwork, particularly in the case of the R&D Survey, HSRC has assured respondents of the confidentiality of the data collected, and in particular that the identities of the respondents will not be made publicly available without their written consent.
6. Access to respondents among the Higher Education Institutions has often required compliance with the approval process of the relevant Research and Ethics Committee.
7. Other assurances of confidentiality have been given to business sector respondents.
8. It will be important to maintain these relationships of trust.

<sup>1</sup> 'Guidelines on the Use of Deemed Employees' Statistics Canada, 2002 (Internal document)

## **Mechanisms**

9. The Memorandum of Understanding between DST and Statistics SA has enabled the endorsement of the R&D Survey as a component of Official Statistics
10. At practical level the following might apply:
  - a. An Access and Ethics Committee of DST, HSRC and an independent expert statistician, with powers of delegation, be constituted
  - b. The HSRC committee member will identify a Contact Point
  - c. All requests for access to CeSTII databases must be routed through the Contact Point
  - d. Requests for access must include a research plan that includes the questions of interest, expected reporting formats and mode and scope of dissemination
  - e. Access to the databases will be subject to a written agreement. This agreement may be in the form of a contract, memorandum of understanding, letter of approval, or a research contract that makes confidentiality an explicit condition.
  - f. The Contact Point must furnish written reasons for refusing access to the databases and notify the Committee of such decisions.
  - g. No dissemination of research findings may occur without the intended product being vetted by the Committee or its representative.
  - h. Vetting criteria will include cell design and the likelihood that respondent identification is possible.
  - i. In the business databases where a sector universe comprises only a few players and is dominated by one or two very large companies 'cell suppression' may be invoked.
  - j. Vetting will take place to ensure there is no potential for 'residual disclosure,' namely working backwards from data to identify its source.

## **Costing framework**

11. Approved users normally enjoy free access to database information provided that no programme enhancements are required to facilitate such access.
12. The working principle is that CeSTII levies no charge for the first four hours of work in this respect
13. Where special routines for this access must be developed a contract subject to cost recovery will be entered into.

Revised 26 January 2007



## Appendix

### Guidelines on the Use of Deemed Employees

Revised October 9, 2002

#### Implementation Procedures

The following procedures are to be followed when making arrangements to provide access to sensitive statistical information to individuals who are deemed to be employees of Statistics Canada. It should be noted that the required steps may be carried out concurrently.

##### I. Contractual Arrangements

One of the following documents must be prepared, depending on the nature of the arrangement:

- Microdata Research Contract
- Memorandum of Agreement/Exchange of Correspondence
- Service Contract
- Section 10 agreement
- Request for Temporary Services Personnel
- Exchange Agreement/Correspondence

##### Microdata Research Contract

Where arrangements are being made for researchers to become deemed employees to carry out research studies in congruence with Statistics Canada's mandate, a Microdata Research Contract is required. These arrangements do not involve payment to the researcher but require the provision of access to confidential microdata (sensitive statistical information) on the part of Statistics Canada and the production of an output on the part of the researcher. Researchers may be working at headquarters, in a Regional Office (given appropriate security arrangements) or in a Research Data Centre.

All researcher-initiated proposals, including studies initiated and funded by a federal department or as part of a Memorandum of Understanding with another federal department, must be submitted and approved through a peer review process deemed by Policy Committee to be equivalent to that in place for the Research Data Centres (see Appendix "A").

All research proposals initiated or sponsored by Statistics Canada and using the services of researchers, including researchers from other federal government institutions, as deemed employees, must be reviewed by Policy Committee.

Approved researchers entering into a Microdata Research Contract with Statistics Canada, before commencing work, must:

- undergo an Enhanced Reliability Check
- sign the oath/affirmation of secrecy
- sign and return an undertaking acknowledging having read and understood:
  - sections 17(1), 30 and 34 of the *Statistics Act* and
  - documentation related to specified Statistics Canada policies and practices
  - documentation on the *Conflict of Interest and Post-Employment Code* and declaring they will comply with the Code.

## ***Memorandum of Understanding/Exchange of Correspondence***

A Memorandum of Understanding/exchange of correspondence may be used to formalize the arrangements whereby Statistics Canada uses employees of another federal government institution to provide services under the *Statistics Act*. This includes special arrangements with funding/partner agencies for the preparation of descriptive and analytical tabulations, data quality assessment or other assistance in the fulfilment of Statistics Canada's contractual commitments to them.

The document must describe the services to be performed and the responsibilities of both parties. It may take the form of an exchange of correspondence or a more formal Memorandum of Understanding, depending on the circumstances. These agreements are to be approved, at a minimum level, by Directors.

There may also be situations where proposals for statistical work are put forward by a federal department that have a significant public policy benefit but which cannot be carried out using non-confidential data and where Statistics Canada does not have the specialized expertise necessary to carry out the work for the department. In such cases, the services of employees of the department may be used to carry out the work on Statistics Canada premises as deemed employees. Such proposals require Policy Committee approval and should document what is the public policy purpose and public interest this work would serve, and why it is essential to have access to confidential microdata. High level endorsement (i.e., Deputy Minister level) should be provided.

Before commencing work under any of the arrangements described above, such individuals must:

- undergo an Enhanced Reliability Check
- sign the oath/affirmation of secrecy
- sign and return an undertaking acknowledging having read and understood:
  - sections 17(1), 30 and 34 of the *Statistics Act*;
  - documentation related to specified Statistics Canada policies and practices
  - documentation on the *Conflict of Interest and Post-Employment Code* and declaring they will comply with the Code

## ***Service Contract***

This type of contractual arrangement exists where internal resources are not available and are being solicited from outside contractors with full remuneration. Contact the Material and Contract Services Section of the Administrative Support Services Division for more information on contracting arrangements and signing authorities.

Before commencing work, persons working under contract must:

- sign the oath/affirmation of secrecy
- undergo an Enhanced Reliability Check
- sign and return an undertaking acknowledging having read and understood:
  - sections 17(1), 30 and 34 of the *Statistics Act*;
  - documentation related to specified Statistics Canada policies and practices
  - documentation on the *Conflict of Interest and Post-Employment Code* and declaring they will comply with the Code

## ***Section 10 Agreement***

Section 10 of the *Statistics Act* allows for arrangements with provincial governments to act on behalf of Statistics Canada in the collection of any statistical or other information required for the purpose of the *Statistics Act*, the supplying of statistical information by any provincial department or provincial officer to the Chief Statistician and the execution of any duty or power pursuant to the *Statistics Act*. In the case of the latter, all provincial officers executing any power or duty conferred or imposed pursuant to the *Statistics Act* are deemed to be employed under the Act.



Section 10 agreements are to be signed by an appropriate authorized individual on behalf of the Government of the Province and the Minister responsible for Statistics Canada or the Chief Statistician on behalf of Statistics Canada. Consult with Data Access and Control Services for drafting arrangements.

Before commencing work, provincial officers executing any power or duty conferred or imposed pursuant to the *Statistics Act* must:

- undergo an Enhanced Reliability Check
- sign the oath/affirmation of secrecy
- sign and return an undertaking acknowledging having read and understood:
  - sections 17(1), 30 and 34 of the *Statistics Act*;
  - documentation on the *Conflict of Interest and Post-Employment Code* and declaring they will comply with the Code

### ***Request for Temporary Services Personnel***

A Request for Temporary Services Personnel is completed by Divisions requiring temporary help and forwarded to the Material and Contracts Services Section for processing.

Before commencing work which would involve being allowed access to sensitive statistical information or to areas where sensitive statistical information is held, temporary help services personnel must:

- undergo an Enhanced Reliability Check
- sign the oath/affirmation of secrecy
- sign and return an undertaking acknowledging having read and understood:
  - sections 17(1), 30 and 34 of the *Statistics Act*;
  - documentation related to specified Statistics Canada policies and practices
  - documentation on the *Conflict of Interest and Post-Employment Code* and declaring they will comply with the Code.

The Material and Contracts Services Section will ensure that the level of personnel screening required for the work to be undertaken is met.

### ***Exchange Agreement/Correspondence***

Arrangements of the following types involving access or exposure to sensitive statistical information must be documented either in the form of an agreement or an exchange of correspondence: assignments or training of exchange officers from foreign statistical or other national agencies, international students working as part of an authorized program, Interchange Canada employees, unpaid students or volunteers.

Before commencing work which would involve being allowed access to sensitive statistical information or to areas where sensitive statistical information is held, these individuals must:

- undergo an Enhanced Reliability Check
- sign the oath/affirmation of secrecy
- sign and return an undertaking acknowledging having read and understood:
  - sections 17(1), 30 and 34 of the *Statistics Act*;
  - documentation related to specified Statistics Canada policies and practices
  - documentation on the *Conflict of Interest and Post-Employment Code* and declaring they will comply with the Code.

## **II. Enhanced Reliability Check**

An Enhanced Reliability Check<sup>2</sup> is mandatory for all deemed employees who require access to sensitive statistical information or to areas where sensitive statistical information is used.

Where there is a Service Contract, the check is normally undertaken by Public Works and Government Services Canada.

In the case of persons hired through a call-up against a standing offer for Temporary Help Services, the person will already have the required level, i.e., basic or enhanced reliability check or security clearance, as identified by the manager on the Request for Temporary Services Personnel.

In all other cases, Departmental Security will coordinate the name or fingerprint check process and should be notified at least three weeks in advance to ensure that the check can be completed prior to the commencement of work.

The manager will be responsible for ensuring that the other components of the enhanced reliability check, such as educational and professional qualifications, references, etc. are verified.

Where the individual is an employee of another federal government institution, Departmental Security will confirm whether an Enhanced Reliability Check already exists.

### ***Procedures to Obtain an Enhanced Reliability Check***

- The manager will start the process to obtain an Enhanced Reliability Check using the Personnel Screening, Consent and Authorization Form available on the Statistics Canada Electronic Forms Catalogue.
- The manager will identify the requested level of reliability.
- The manager will complete Part A: Particulars of Appointment/Assignment/Contract by checking the "Other (specify)" box and writing-in "Deemed employee/on-site researcher".
- The person requiring the Enhanced Reliability Check will complete Part B of the Personnel Screening, Consent and Authorization Form, Biographical Information.
- The manager and the person requiring the Enhanced Reliability Check will complete Part C: Consent and Verification as follows:
  - the person requiring the Enhanced Reliability Check is asked to initial items 1 and 2, and sign and date
  - the manager who carried out the verification of the information will print their name, insert their initials and telephone number in the required space
  - for foreign students, a copy of the student visa, passport and student identification card must be attached to the Personnel Screening, Consent and Authorization Form;
  - for foreign professors, a photocopy of passport and university identification card is to be attached.
- The manager will forward the completed form and any other required documentation to Departmental Security for processing.

## **III. Oath/Affirmation of Secrecy**

The oath/affirmation of secrecy pursuant to subsection 6(1) of the *Statistics Act* (see [Appendix B](#)) must be administered to individuals who are deemed to be employees before permitting access to sensitive statistical information or to areas where sensitive statistical information is used.

"6.(1) The Chief Statistician and every person employed or deemed to be employed pursuant to this Act shall, before entering on his duties, take and subscribe the following oath or solemn affirmation:



I, ....., do solemnly swear (or affirm) that I will faithfully and honestly fulfil my duties as an employee of Statistics Canada in conformity with the requirements of the *Statistics Act*, and of all rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment."

The oath/affirmation of secrecy pursuant to subsection 6(3) of the *Statistics Act* (see [Appendix C](#)) shall be administered in the case of incorporated contractors.

"6(3) Where a person retained under contract to perform special services for the Minister pursuant to this Act is a body corporate, the chief executive officer thereof and such other officers, employees and agents thereof as are used to perform the special services shall, before entering on any of the duties required under the contract, take and subscribe the following oath or solemn affirmation:

I, ....., do solemnly swear (or affirm) that I will faithfully and honestly fulfil my duties as an employee of (name body corporate) in respect of my employment in carrying out (identify here contract with Minister) in conformity with the requirements of the *Statistics Act*, and all rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment as described therein."

### ***Delegation***

The oath/affirmation of secrecy may be administered only by incumbents of positions to which the Chief Statistician has delegated the authority to do so (see [Appendix D](#)).

### ***Procedures for Administration of the Oath/Affirmation of Secrecy***

The person taking the Oath/Affirmation of secrecy:

- is given the choice of swearing or affirming the Oath
- reads the Oath aloud before the delegated authority

The oath/affirmation of secrecy is signed and dated by the deemed employee and the delegated authority.

Copies of the Oath/Affirmation of Secrecy are available from Human Resources Operations Division or Data Access and Control Services.

### ***Special Instructions for Administering the Oath/Affirmation of Secrecy for Incorporated Contractors:***

- The name of the individual and the name of the body corporate are to be completed on the Oath/Affirmation of Secrecy.
- Where there is a Service Contract, the contract number assigned by Material and Contract Services Section of the Administrative Support Services Division and the contract date, which are found on the top of the first page, should comprise the contract description on the oath document.
- Where there is a Memorandum of Agreement, the contract description on the oath document may be summarized from the "Statement of Work" section of the agreement.
- The Oath/Affirmation of Secrecy must be taken by the Chief Executive Officer of the body corporate, and employees or agents thereof.

### ***Special Considerations for Deemed Employees Requiring Access to taxpayer or Customs information***

The Memorandum of Understanding (MOU) between the Canada Customs and Revenue Agency and Statistics Canada permits access to taxpayer or Customs information obtained under the

MOU, by employees, consultants and contractors hired by Statistics Canada (i.e., deemed employees):

- who have taken the oath/affirmation of secrecy set out in section 6 of the *Statistics Act*;
- who have a job related need to know and have an Enhanced Reliability Check;
- who are aware of and understand the provisions of sections 295 and 328 of the Excise Tax Act, section 239 and 241 of the *Income Tax Act*, section 4 of the *Privacy Act*, and sections 17 and 30 of the *Statistics Act*, and
- who have knowledge of and understand the security requirements.

IV. Acknowledgement Related to the Oath or Affirmation of Office and Secrecy and the Conflict of Interest and Post-Employment Code

Researchers or other individuals taking the oath/affirmation of secrecy as a deemed employee must also sign an undertaking acknowledging having read and understood sections 17(1), 30 and 34 of the *Statistics Act*, as well as certain specified policies and practices of Statistics Canada. The acknowledgement also includes a section related to the Conflict of Interest and Post-Employment Code: researchers and other individuals working as deemed employees are required to read the Conflict of Interest and Post-Employment Code and declare they will comply with the Code.

An information package containing the Oath/Affirmation of Secrecy, the Acknowledgement and related documents is available from Data Access and Control Services, 25-B, R.H. Coats Building or Departmental Security, SC1102.

The information package should be provided to the researcher or the individual for review prior to taking the Oath/Affirmation of Secrecy.

## Responsibilities

### Manager, Research Data Centre Program

The Manager, Research Data Centre Program is responsible:

- to establish and maintain an inventory of administrative information on research projects involving deemed employees for Headquarters and Regional Offices, beginning with the research proposal and continuing for the life-cycle of the project
- to certify that the required procedures have been followed.

### Directors

In cases where arrangements involve Memoranda of Understanding for research studies using the services of employees of other federal government institutions or Microdata Research Contracts, Directors are responsible to ensure:

- the required administrative information is entered into the inventory on research projects using deemed employees
- the proposal is submitted through the required peer review and approval process
- where applicable, the appropriate Regional Director is advised of the project (summary or extract of the project on which the researcher will be working)
- the Enhanced Reliability Check is initiated (*if one has not been already done*) or confirmed with Departmental Security (*if one already exists*)



- researchers receive an information package containing an Acknowledgement Related to the Oath or Affirmation of Secrecy and the Conflict of Interest and Post-Employment Code and associated documents, and that the researchers sign and return the Acknowledgement
- where applicable, researchers who indicate on the Acknowledgement that they may have a conflict, that:
  - consultation occurs with the researcher to determine if a conflict of interest, in fact, exists
  - where none exists, to provide the researcher with a written notice to that effect
  - where a conflict of interest exists, to have the Researcher complete a Confidential Report and to decide, in consultation with the Chief, Staff Relations, Human Resources, on the corrective action to be taken.
- the names of newly approved researchers are forwarded to the contact person at the appropriate Regional Office for inclusion into their access list along with the following information:
  - start and end dates of access (for security reasons researchers will be denied access to confidential data files once the end date of the contract has passed if no provision has been made to extend the term of the contract)
  - files for which access has been approved
- any statistical outputs to be taken out of Headquarters by the researcher must be screened by personnel trained in disclosure avoidance analysis
- verification of delivery of product for Microdata Research Contracts or Memoranda of Understanding
- extension or termination of Microdata Research Contracts or Memoranda of Understanding
- a closing out confidentiality/security interview is completed at the end of the research contract
- the following documentation is to be provided to the Manager, Research Data Centre Program.
  - a signed copy of the contract or memorandum of agreement
  - a signed copy of the oath/affirmation of secrecy
  - a signed copy of the Acknowledgement Related to the Oath or Affirmation of Secrecy and the Conflict of Interest and Post-Employment Code and
  - proof of deposit of final product.

## **Regional Directors**

In cases where arrangements involve Memoranda of Understanding for research studies originating with a Division at Headquarters using the services of employees of other federal government institutions or Microdata Research Contracts, Regional Directors are responsible to ensure:

- the required administrative information is entered into the inventory on research projects involving deemed employees
- the Enhanced Reliability Check has been completed
- the oath/affirmation of secrecy has been sworn/affirmed before work is allowed to start
- the Acknowledgement Related to the Oath or Affirmation of Secrecy and the Conflict of Interest and Post-Employment Code has been signed and returned
- orientation sessions are conducted for all researchers working in the Regional Office
- procedures are in place to ensure that:
  - only authorized deemed employees are permitted access to the secure area
  - researchers have access only to those files for which access has been approved
  - access to the specified files is limited to the stated access period
- any statistical outputs to be taken out of the Regional Office by the researcher must be screened by personnel in the Regional Office, trained in disclosure avoidance analysis
- a closing out confidentiality/security interview is completed at the end of the research contract.

## Closing Out Confidentiality/Security Interview Checklist

Deemed employees must be reminded that:

- they are not permitted to take away with them any sensitive statistical information
- they remain subject to the oath/affirmation of secrecy even after their project is terminated

This can occur either by personal interview, by letter or both.

The Director/Regional Director must ensure that:

- the User ID/e-mail account is cancelled
- the Security pass has been returned

### V. Use of non-Statistics Canada owned or controlled computing devices

- a. With the exception of authorized dial-in access to Network B, only Statistics Canada owned or controlled computing devices may be connected to a Statistics Canada network.
- b. The use of non-Statistics Canada owned or controlled computing devices is prohibited for the storage and/or processing of sensitive statistical information.

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## Appendix A

### Peer Review Approval Processes for Research Conducted by Deemed Employees at Statistics Canada Headquarters or Regional Offices (Approved by Policy Committee, July 3, 2002, revised October 9, 2002)

This document outlines the peer review approval processes to be used for research projects that have not been reviewed through the Social Sciences and Humanities Research Council (SSHRC) review process for research projects to be undertaken in a Research Data Centre (RDC). This includes projects using social statistics and conducted at headquarters (or in regional offices given appropriate security arrangements), and all projects conducted by deemed employees using business microdata. In the latter case, all of this research must be conducted at headquarters. The approval process for research projects carried out by deemed employees in the RDCs is operated largely by SSHRC, and described on the SSHRC and Statistics Canada RDC web sites.

#### 1. *Social Statistics*: Approval Processes for Deemed Employee Research Projects Using Household/Social Microdata

##### a. ***Researcher initiated, no funding provided, Microdata Research Contract***

All research projects should follow the SSHRC process that is currently in place for the RDCs. This includes research projects conducted by deemed employees that sign a Microdata Research Contract, and conduct the work at headquarters or the regional offices (as well as those done at the RDCs). Deemed employee research projects can only be conducted in regional offices if there are security arrangements in place that are equivalent to those in the Research Data Centres. This process in essence extends the existing RDC approval process to projects conducted outside the RDCs. Researchers submit the project through the SSHRC web site, and it is reviewed by peer reviewers selected by SSHRC, as well as by Statistics Canada.

The peer review approval processes of other granting councils or competitions may be used only where SSHRC agrees they are equivalent or is involved in the process.



**b. *Statistics Canada initiated, with full funding provided through a Service Contract***

No review process is required beyond that regularly used to let contracts.

**c. *Joint research projects with outside researchers as deemed employees, Statistics Canada initiated, but no money changing hands***

Periodically there are research projects that involve partnerships between Statistics Canada employees and outside researchers. A Statistics Canada division may decide to conduct a particular project, and involve a research partner in a federal government agency, university, or elsewhere. No money changes hands, since it is in the interest of both groups to conduct the work. In these cases, the proposal must go to Policy Committee for approval.

**2. *Business Statistics: Proposed Approval Process for Deemed Employee Research Projects using Business Microdata***

Business microdata are currently not housed in the Research Data Centres, and hence the RDC approval process does not apply. The approval process is the following:

**a. *Researcher initiated (no funding provided)***

Research projects can be proposed by researchers from other federal agencies, universities, think tanks, etc. There is a two-step approval process:

- i. The first step is to ensure that the project falls within Statistics Canada's mandate, that it is a project that Statistics Canada itself would conduct if it had the available resources, and that it is "doable" given the data available. The researcher submits a proposal to the Business Research Co-ordinating Committee through a Director. If a Director is not involved, then the Committee will assign one. The Director is responsible for the security arrangements, vetting the output for confidentiality, administering the oath, and other aspects as described in the *Guidelines on the Use of Deemed Employees*.
- ii. If passed, as a second step, the project is then sent to two outside reviewers selected by the Business Research Co-ordinating Committee to assess the quality of the project (methodology, objectives given currently existing knowledge, etc.). Based on the reports of the reviewers, the Committee decides whether the project should proceed.

If the project had already received funding from a legitimate granting agency, with a peer review process (notably SSHRC), then the second stage of the review process would not be required.

It is the responsibility of the Business Research Co-ordinating Committee to ensure that the research projects proposed and the outcomes of the review process are registered on the data base maintained by the manager of the Research Data Centres, so that all research projects using deemed employee are maintained in one place. The Committee must also establish a mechanism for keeping such information up-to-date.

**b. *Statistics Canada initiated, with full funding through a Service Contract***

No review process is required beyond that regularly required to let contracts.

**c. *Joint research projects with outside researchers as deemed employees, Statistics Canada initiated, but no money changing hands***

The approval process is similar to that described in 1 (c), above. However, these projects must first go to the Business Research Co-ordinating Committee to ensure that all projects are listed in one place, but ultimately to Policy Committee for approval. Again the Business Research Co-ordinating Committee would have the responsibility of ensuring that the projects are listed on the database of projects maintained by the manager of the RDCs, and that the information is kept up-to-date.