**Annex no………….to the contract**

**Application form for research entities**

This application form is intended for entities wishing to be recognised as research entities.

**Please complete and send this form electronically to** [**romstat@insse.ro**](mailto:romstat@insse.ro) **or** [**datestat@insse.ro**](mailto:datestat@insse.ro) **.**

The information provided in the application form will be examined by NIS Romania, which will take the decision on whether to grant ‘research entity’ status.

The following criteria will be taken into account when deciding on the status of the entity:

(1) the purpose of the entity;

(2) the established record or reputation of the entity as a body producing quality research and making it publicly available;

(3) the internal organisational arrangements for research, including, where relevant, the fact that the research entity is independent, autonomous in formulating scientific conclusions and separated from policy areas of the body to which it belongs;

(4) the safeguards in place to ensure security of the data.

Applicants will be notified by email of the outcome of the assessment. If the assessment is positive, the completed **application form** will have to be printed, initialled on each page and signed on the last page by the entity’s duly designated representative. The application form should be accompanied by the **confidentiality undertaking**, initialled on each page and signed on the last page, and **terms of use**, initialled on each page. **All three documents** should be sent to:

In the attention of Mr. Tudorel ANDREI – President of NIS

NIS Romania

Bucharest

16 Libertatii Ave.

The duly designated representative must immediately inform NIS Romania of any changes to the information provided in this application form.

The application form has to be re-submitted at NIS Romania’s request.

Processing of personal data is protected in accordance with 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. All information collected will be processed by NIS Romania for the sole purpose of verifying the applicant’s compliance with the Regulation. All relevant questions must be answered. Failure to answer all relevant questions will result in refusal of the application. Applicants have the right of access to, and the right to rectify the data concerned. Applicants have the right to have recourse at any time to the National Supervisory Authority For Personal Data Processing.

**1. Identification of the entity**

**1.1** General information **(**if your request for recognition concerns an university, please note that for reasons of administrative efficiency, we would prefer to receive the request on behalf of the university as a whole, not from departments or faculties)

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

Country:

**1.2** Legal status:   
  University or higher education establishment

Research organisation

Governmental organisation

International organisation

European Economic Interest Grouping

Other, please specify:

**1.3 Duly designated representative of the research entity:**

Name:

Position:

Telephone:

Email:

**2. Purpose of the entity**

**2.1 Main purpose and activity of the entity:**

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**2.2** Please describe how research activity is organised in the entity (only if research is not its main purpose).

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**3. Research activities in the entity**

**3.1** Please list the publications issued by the research entity and major research projects in which the research entity has been involved (or provide a link to this information):

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**3.2** Please describe the entity’s policy on dissemination of research results.

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**4. Organisational and financial arrangements for research within the entity**

**4.1** Does the research entity depend on another organisation or does it constitute a separate, self-contained unit? Please describe the entity’s organisational set-up.

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**4.2 Funding**

Please explain how the entity is financed, in particular its research activities (directly or indirectly, through contracts with commercial companies or other bodies, etc.).

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**4.3** What is the size, in terms of number of staff employed (head count – researchers and support staff) of the applying research entity (the whole research entity or research department of the organisation, depending on the application)?

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**5. Safeguards in place**

**5.1** **Please describe the physical security of the entity’s premises, IT system and network. Please note that, at least:**

* The premises should be lockable or have an access control/monitoring system (for example: cameras, guards, access with badges etc.);
* IT assets (such as servers and client machines) used for storing and accessing NIS Romania scientific use files should be secured (for instance: locked individual rooms, locked secure areas/departments, hardware-hardening, anti-theft tools etc.).

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**5.2** **Please describe your entity’s IT system and network (where data provided by NIS Romania (scientific use files) will be stored and accessed) compliance with the following requirements:**

* Server and client machines managed by the IT system administration of the entity;
* Operating system and security settings (virus/malware protection, permissions) regularly updated;
* Security patches to the operating system/applications regularly and timely applied;
* Network perimeter security controls (e.g. firewalls) in place.

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**5.3** **Please describe your entity’s compliance with the following requirements for the safekeeping of data provided by NIS Romania (original data received from NIS Romania ((scientific use files) and confidential intermediate results of analysis):**

* Data storage on server or stand-alone machines managed by the IT system administration of the entity;
* Data access only from clients or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place (e.g. physical security measures, virus/malware protection, permissions, authentication and authorization controls);
* Access allowed only from the premises of the research entity;
* Access to data restricted to the researchers named in the research proposal;
* Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices;
* Secure disposal of data upon research project completion.

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**6. Contact details of person in charge of coordinating research proposals (contact person)**

**6.1** Please state the name(s), position and contact details of the person responsible for organising access in the research entity in accordance with the relevant obligations[[1]](#footnote-1) (contact person).

***The contact person is responsible for organising the access to microdata within the research entity independently of the research projects concerned.***

***This person will coordinate submission of all research proposals at the level of the research entity. In particular, this person will countersign each research proposal submitted by the researchers of the research entity.***

Contact person details:

Name:

Title:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

**7. Additional information**

**7.1.** Please briefly describe the planned research proposal, if any (project for which access to confidential data for scientific purposes will be requested).

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**7.2.** National law on sanctions in case of misuse of confidential data. Please describe here the existing measures in your national law pertaining to the sanctions applicable in case of misuse of confidential/personal data.

You can skip this item if your entity is located:

* in the European Union or in the European Economic Area (Iceland, Lichtenstein, Norway);
* in a country covered by an adequacy decision of the European Commission[[2]](#footnote-2)• .

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**7.3.** Additional comments — free text

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*I hereby certify that the information given in this questionnaire is complete, accurate and correct and that any change(s) will be reported immediately to NIS Romania. I understand that NIS Romania is authorised to check the accuracy of the information given in this questionnaire at any time. I understand that NIS Romania may require more information, if necessary.*

*I confirm that my organisation submits this request in order to be recognised by NIS Romania as a research entity. That recognition will allow my organisation to submit a research proposal on whose basis access may or may not be given to confidential data for scientific purposes. I am aware that in case my organisation is recognized as research entity, the name of my organisation will be published on NIS Romania website.*

*Furthermore, I commit myself to taking and maintaining all necessary measures in compliance with the above requirements.*

At: (please state location):…………......... Date:   /  /20

Name: …………………….

Position: ………………….

Signature:………………….

**Annexes to be provided together with the application form:**

A1. Legal act creating the entity and/or legal documents certifying the incorporation of departments into a research entity.

A2. Organisation chart

\* For applications on behalf of departments - please provide two organigrams:

(1) the organigram showing the position of the department in the structure of the entire organisation and

(2) the organigram of the department, including sub-divisions.

A3. Mission statement (or other declaration of purpose) of the organisation – it must include reference to research;

\* For applications on behalf of departments – please provide the mission statement of the department (not the mission statement of the entire organisation).

**Annex no………….to the contract**

**Confidentiality undertaking and terms of use – standard model**

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009, with subsequent amendments and completions, on European Statistics, provides the basic legal framework for the development, production and dissemination of European statistics. This Regulation provides an additional possibility to give access to confidential data for scientific purposes to researchers in the interest of scientific progress in Europe/ Romania, subject to the strict obligation to respect the statistical confidentiality of the data.

This undertaking, therefore, specifies the conditions for access to confidential statistical data for scientific purposes, the obligations of the researchers, measures for preserving the confidentiality of statistical data and sanctions in the event of breach of these obligations. It constitutes the confidentiality undertaking referred to in Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council, with subsequent amendments and completions, on European statistics as regards access to confidential data for scientific purposes.

This undertaking must be signed by a duly designated representative of the research entity and constitutes the explicit acknowledgement by that entity of the conditions and obligations to which the undertaking refers.

The duly designated representative must immediately inform NIS Romania of any changes to the information provided in the confidentiality undertaking.

**Identification form**

**1. Entity**

Official full name of the entity:

Short name — acronym:

Postal address:

Web address:

**2. Duly designated representative of the research entity**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

**3. Contact person**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 OF THE EUROPEAN PARLIAMENT, AND OF THE COUNCIL, WITH SUBSEQUENT AMENDMENTS AND COMPLETIONS, ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

1. Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009, with subsequent amendments and completions, on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;
2. Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council, with subsequent amendments and completions, on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity,

.........................................................................................................

(Name of the entity)

represented by its duly designated representative:

….………………………………………………………………….

(Name of the duly designated representative)

HEREBY UNDERTAKES to ensure that the researchers within this entity who require access to confidential data for scientific purposes at NIS Romania level:

1. will, prior to such access, submit to the NIS Romania a research proposal in accordance with the predefined standards and countersigned by the contact person, which will be assessed by NIS Romania;
2. will not have access to confidential data before the research proposal is recognised as appropriate by NIS Romania;
3. will use the confidential data for scientific purposes in accordance with the terms of use attached to this Undertaking, and will in particular:
   1. use the confidential data for scientific purposes only for the statistical analyses specified in the research proposal submitted for assessment;
   2. ensure that none of the confidential data will be accessed by non-authorised persons or parties;
   3. not attempt to identify particular persons or organisations to which the data relates and will not disclose, either directly or indirectly, the information to any other person or organisation;
4. may be subject to disciplinary sanctions in the event of breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto.

NIS Romania shall, upon its request, receive all information necessary to verify the observance of the terms of use attached to this Undertaking, failing which all access to confidential data for scientific purposes will be withdrawn.

In signing this Undertaking, I …………………………………………………., as the duly designated representative of ………………………………..……………, understand that:

– any breach of the conditions stated herein or in the terms of use attached to this Undertaking may result in withdrawal of service for the entity and/or individuals and/or legal action against the entity;

– any deliberate attempt to compromise the confidentiality of persons or organisations to which the confidential data for scientific purposes relate may result in prosecution in accordance with the applicable national law.

I will inform NIS Romania immediately about any breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto.

Signature: ……………………..

Done at (state location) ………………………………

Date: …………………………………

Terms of use of confidential data for scientific purposes (standard model)

**General principles**

Access to confidential data for scientific purposes will only be granted if all the conditions laid down in the Regulation on access to confidential data for scientific purposes are fulfilled, in particular:

* access will be granted only to researchers belonging to a recognised research entity;
* the research entity’s duly designated representative must have signed a confidentiality undertaking;
* access may be granted only if the research proposal submitted by the researchers asking for access to confidential data for scientific purposes has been approved; each research proposal must be countersigned by the contact person identified in the confidentiality undertaking;
* all researchers asking for access to confidential data for scientific purposes must have signed a individual confidentiality declaration.

The research entity’s duly designated representative shall take all the necessary regulatory, administrative, technical and organisational measures to ensure that access to confidential data for scientific purposes is organised in accordance with the present terms of use.

**Liability**

In case of violation of the conditions for access to confidential data for scientific purposes, this access may be withdrawn from the research entity and/or from the researcher. The research entity may also be liable to pay compensation for damages or asked to take disciplinary action against the offending researcher.

The confidentiality undertaking and the terms of use do not limit the liability of the research entity or the researcher for contraventions of any requirements laid down in the applicable national civil or penal law.

NIS Romania may not be held responsible for any errors, omissions or mistakes contained in data made available to the research entity or to the researcher nor for any consequences or liabilities arising therefrom. Nor shall the NIS Romania be responsible for any effects of the materials supplied on software or hardware of computer systems of the research entity or of the researcher.

**Data users**

The data shall be made available to the researchers named in the research proposal.

**Safekeeping of scientific use files (original data received form NIS Romania and confidential intermediate results of analysis):**

The research entity shall ensure appropriate physical security of the entity’s premises and appropriate security of the IT system and network where confidential data for scientific purposes are stored and accessed.

Confidential data for scientific purposes must be stored on server or stand-alone machines managed by the IT system administration of the entity. Data access can take place only from client or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place. Access may take place only at the premises of the research entity. Access to data must be restricted to the researchers named in the research proposal. Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices. The entity must ensure secure disposal of data upon research project completion.

**Data handling**

Researchers must ensure that any results of the research published or otherwise disseminated do not contain information that allow individual statistical units (persons, households, enterprises, etc.) to be identified.

In all reports, including both published and unpublished papers, researchers must ensure the strict application of the guidelines for publication attached to the confidential data for scientific purposes.

No copy of all or part of the data may be made and none of the data may leave the research entity’s premises.

**Duration of access**

Access to confidential data may be granted only for the period stated in the research proposal (duration of the research project).

Any extension of access must be requested separately before the scheduled end-date of the research project stated in the research proposal. No compensation may be claimed in the event of such an extension not being approved.

NIS Romania may immediately terminate access to data if the research entity has not fully ensured compliance with the conditions and obligations referred to in the confidentiality undertaking and these terms of use. In the event of non-compliance, NIS Romania shall in writing request the research entity to rectify the situation within a period not exceeding one month. In the absence of rectification, termination shall be effective on the date the entity receives a registered letter with acknowledgement of receipt.

**After expiry or completion of the project**

After expiry or completion of the project indicated in the research proposal (or in case of termination of access by NIS Romania), the principal researcher must destroy the original dataset provided by NIS Romania and any confidential data derived from it and sign a declaration to the effect that it has been ensured that all these data have been destroyed. This obligation applies to the original data sent by NIS Romania and to all confidential derived data.

The research entity is required to provide NIS Romania with references to all reports that have been produced using the data. To allow a central list of all data recipients and analyses to be continuously updated, these references shall be given to NIS Romania as soon as possible with any necessary qualifiers (e.g. ‘not to be quoted’). In any event, these references must be sent to the microdata access team immediately after the reports have been presented or published. The research entity will remain bound by this obligation even after finalisation of the research project or termination of the access to data.

The researchers must not make further use of the information made available to them by NIS Romania after the completion of the research project or termination of the access to data. Failure to comply with this requirement shall result in liability to claims for damages and to penalties.

**Identification of data sources**

The researchers shall state the source of the data by referring to: ‘‘This study/report/paper is based on data from NIS Romania, *name of the survey*, *reference year(s)*’ and add the following disclaimer when disseminating the results of work to which the research proposal relates: ‘The responsibility for all conclusions drawn from the data lies entirely with the author(s) ‘.

**Resolution of disputes**

In the event of a dispute or claim concerning the processing of the confidential data for scientific purposes, the research entity shall cooperate with a view to settling them amicably in a timely fashion.

The research entity shall respond to any generally available non-binding mediation. The research entity should consider participating in any other arbitration, mediation or other dispute resolution proceedings developed for data protection disputes.

**Applicable law and competent court**

The implementation of these terms of use shall be governed by Romanian law; the courts in Romania shall have sole jurisdiction to hear any disputes.

**Annex no……………to the contract**

**Confidentiality undertaking**

**Template for entities located outside EU, EEA, in the countries not covered by Commission decisions on the adequacy of the protection of personal data[[3]](#footnote-3)**

**(terms of use – same as standard)**

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009, with subsequent amendments and completions, on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. This Regulation provides an additional possibility to give access to confidential data for scientific purposes to researchers in the interest of scientific progress in Europe/Romania, subject to the strict obligation to respect the statistical confidentiality of the data.

This undertaking, therefore, specifies the conditions for access to confidential statistical data for scientific purposes, the obligations of the researchers, measures for preserving the confidentiality of statistical data and sanctions in the event of breach of these obligations. It constitutes the confidentiality undertaking referred to in Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council, with subsequent amendments and completions, on European statistics as regards access to confidential data for scientific purposes.

This undertaking must be signed by a duly designated representative of the research entity and constitutes the explicit acknowledgement by that entity of the conditions and obligations to which the undertaking refers.

The duly designated representative must immediately inform NIS Romania of any changes to the information provided in the confidentiality undertaking.

**Identification form**

**1. Entity**

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

**2. Duly designated representative of the research entity**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

**3. Contact person**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, WITH SUBSEQUENT AMENDMENTS AND COMPLETIONS, ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

1. Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 with subsequent amendments and completions, on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;
2. Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council with subsequent amendments and completions, on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity,

.........................................................................................................

(Name of the entity)

represented by its duly designated representative:

….………………………………………………………………….

(Name of the duly designated representative)

HEREBY UNDERTAKES to ensure that the researchers within this entity who require access to confidential data for scientific purposes at NIS Romania level:

1. will, prior to such access, submit to the NIS Romania a research proposal in accordance with the predefined standards and countersigned by the contact person, which will be assessed by the NIS Romania;
2. will not have access to confidential data before the research proposal is recognised as appropriate by the NIS Romania;
3. will use the confidential data for scientific purposes in accordance with the terms of use attached to this Undertaking, and will in particular:
   1. use the confidential data for scientific purposes only for the statistical analyses specified in the research proposal submitted for assessment;
   2. ensure that none of the confidential data will be accessed by non-authorised persons or parties;
   3. not attempt to identify particular persons or organisations to which the information relates and will not disclose, either directly or indirectly, the information to any other person or organisation;
4. may be subject to disciplinary sanctions in the event of breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto.

The NIS Romania shall, upon its request, receive all information necessary to verify the observance of the terms of use attached to this Undertaking, failing which all access to confidential data for scientific purposes will be withdrawn.

In signing this Undertaking, I …………………………………………………., as the duly designated representative of ………………………………..……………, understand that:

– any breach of the conditions stated herein or in the terms of use attached to this Undertaking may result in withdrawal of service for the entity and/or individuals and/or legal action against the entity;

– any deliberate attempt to compromise the confidentiality of persons or organisations to which the confidential data for scientific purposes relate may result in prosecution in accordance with the applicable national law.

I will inform NIS Romania immediately about any breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto. Any failure to inform NIS Romania could lead to withdrawal of access to the data.

I have no reason to believe, at the time of signing this Undertaking, in the existence of any local laws that would have a substantial adverse effect on the guarantees provided for under this Undertaking, and I will inform the NIS Romania (which will pass such notification on to The National Supervisory Authority for Personal Data Processing where required) if I become aware of any such laws.

Signature: ………………………

Done at (state location) ………………………………

Date: …………………………………

**Terms of use of confidential data for scientific purposes (model for non-EU)**

Same as standard model

**Annex no………….to the contract**

**Confidentiality undertaking and terms of use**

**(template for international organisations, changes with regard to standard model)**

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 with subsequent amendments and completions, on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. This Regulation provides an additional possibility to give access to confidential data for scientific purposes to researchers in the interest of scientific progress in Europe/Romania, subject to the strict obligation to respect the statistical confidentiality of the data.

This undertaking, therefore, specifies the conditions for access to confidential statistical data for scientific purposes, the obligations of the researchers, measures for preserving the confidentiality of statistical data and sanctions in the event of breach of these obligations. It constitutes the confidentiality undertaking referred to in Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council with subsequent amendments and completions, on European statistics as regards access to confidential data for scientific purposes.

This undertaking must be signed by a duly designated representative of the research entity and constitutes the explicit acknowledgement by that entity of the conditions and obligations to which the undertaking refers.

The duly designated representative must immediately inform NIS Romania of any changes to the information provided in the confidentiality undertaking.

**Identification form**

**1. Entity**

Official full name of the entity:

Short name — acronym:

English name:

Postal address:

Web address:

**2. Duly designated representative of the research entity**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

**3. Contact person**

Name:

Organisation:

Division/Faculty:

Position:

Telephone:

Email:

CONFIDENTIALITY UNDERTAKING MADE PURSUANT TO ARTICLE 4(2) OF COMMISSION REGULATION (EU) NO 557/2013 OF 17 JUNE 2013 IMPLEMENTING REGULATION (EC) No 223/2009 WITH SUBSEQUENT AMENDMENTS AND COMPLETIONS, OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN STATISTICS AS REGARDS ACCESS TO CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

WHEREAS:

1. Article 23 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 with subsequent amendments and completions, on European statistics permits access to confidential data which allow only indirect identification of the statistical units to be granted to researchers carrying out statistical analysis for scientific purposes;
2. Article 4(2) of Commission Regulation (EU) No 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council with subsequent amendments and completions, on European statistics as regards access to confidential data for scientific purposes provides for a confidentiality undertaking covering all researchers of the entity who will have access to confidential data and specifying the conditions for access, the obligations of the researchers, the measures for preserving the confidentiality of statistical data and the sanctions in the event of a breach of these obligations. The confidentiality undertaking must be signed by a duly designated representative of the research entity,

.....................................................………………………………………………………………..

(Name of the entity)

represented by its duly designated representative:

……………………………………………………………………….……………….………….

(Name of the duly designated representative)

HEREBY UNDERTAKES to ensure that the researchers within this entity who require access to confidential data for scientific purposes at NIS Romania level:

1. will, prior to such access, submit to the NIS Romania a research proposal in accordance with the predefined standards and countersigned by the contact person, which will be assessed by the NIS Romania;
2. will not have access to confidential data before the research proposal is recognised as appropriate by the NIS Romania;
3. will use the confidential data for scientific purposes in accordance with the terms of use attached to this Undertaking (annex 1), and in particular:
   1. will use the confidential data for scientific purposes only for the statistical analyses specified in the research proposal submitted for assessment;
   2. will ensure that none of the data will be accessed by non-authorised persons or parties;
   3. will not attempt to identify particular persons or organisations to which the data relates and will not disclose, either directly or indirectly, the information to any other person or organisation;
4. will comply with the obligations laid down in the individual confidentiality declaration attached to this undertaking (annex 2);
5. may be subject to disciplinary sanctions in the event of breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto, in accordance with the entity’s rules.

The NIS Romania shall, upon its request, receive all information necessary to verify the observance of the terms of use attached to this Undertaking, failing which all access to confidential data for scientific purposes will be withdrawn.

In signing this Undertaking, I ………………., as the duly designated representative of ……………………………., understand that any breach of the conditions stated herein or in the terms of use attached to this Undertaking may result in withdrawal of service for the entity and/or individuals and/or legal action against the entity.

– I will inform NIS Romania immediately about any breach of the confidentiality rules laid down in this Undertaking or in the terms of use of confidential data for scientific purposes attached hereto. Any failure to inform NIS Romania could lead to withdrawal of access to the data.

– I have no reason to believe, at the time of signing this Undertaking, in the existence of any local laws and/or any internal rules of my entity that would have a substantial adverse effect on the guarantees provided for under this Undertaking, and I will inform NIS Romania (which will pass such notification on to The National Supervisory Authority for Personal Data Processing where required) if I become aware of any such laws or rules.

Signature: ……………………….

Done at (state location) ………………………………

Date: …………………………………

Annex 1 to Confidentiality undertaking for international organisations

Terms of use of confidential data for scientific purposes

**General principles**

Access to confidential data for scientific purposes will only be granted if all the conditions laid down in the Regulation on access to confidential data for scientific purposes are fulfilled, in particular:

* access will be granted only to researchers belonging to a recognised research entity;
* the research entity’s duly designated representative must have signed a confidentiality undertaking;
* access may be granted only if the research proposal submitted by the researchers asking for access to confidential data for scientific purposes has been approved; each research proposal must be countersigned by the contact person identified in the confidentiality undertaking;

The research entity’s duly designated representative shall take all the necessary regulatory, administrative, technical and organisational measures to ensure that access to confidential data for scientific purposes is organised in accordance with the present terms of use.

**Liability**

In case of violation of the conditions for access to confidential data for scientific purposes, this access may be withdrawn from the research entity and/or from the researcher. The research entity may also be liable to pay compensation for damages or asked to take disciplinary action, in accordance with the entity’s rules against the offending researcher.

The NIS Romania may not be held responsible for any errors, omissions or mistakes contained in data made available to the research entity or to the researcher nor for any consequences or liabilities arising therefrom. Nor shall the NIS Romania be responsible for any effects of the materials supplied on software or hardware of computer systems of the research entity or of the researcher.

**Data users**

The data shall be made available to the researchers named in the research proposal.

**Safekeeping of scientific use files (original data received form NIS Romania and confidential intermediate results of analysis)**

The research entity shall ensure appropriate physical security of the entity’s premises and appropriate security of the IT system and network where confidential data for scientific purposes are stored and accessed.

Confidential data for scientific purposes must be stored on server or stand-alone machines managed by the IT system administration of the entity. Data access can take place only from client or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place. Access may take place only at the premises of the research entity. Access to data must be restricted to the researchers named in the research proposal. Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices. The entity must ensure secure disposal of data upon research project completion.

**Data handling**

Researchers must ensure that any results of the research published or otherwise disseminated do not contain information that allow individual statistical units (persons, households, enterprises, etc.) to be identified.

In all reports, including both published and unpublished papers, researchers must ensure the strict application of the guidelines for publication attached to the confidential data for scientific purposes.

No copy of all or part of the data may be made and none of the data may leave the research entity’s premises.

**Duration of access**

Access to confidential data may be granted only for the period stated in the research proposal (duration of the research project).

Any extension of access must be requested separately before the scheduled end-date of the research project stated in the research proposal. No compensation may be claimed in the event of such an extension not being approved.

NIS Romania may immediately terminate access to data if the research entity has not fully ensured compliance with the conditions and obligations referred to in the confidentiality undertaking and these terms of use. In the event of non-compliance, NIS Romania shall in writing request the research entity to rectify the situation within a period not exceeding one month. In the absence of rectification, termination shall be effective on the date the entity receives a registered letter with acknowledgement of receipt.

**After expiry or completion of the project**

After expiry or completion of the project indicated in the research proposal (or in case of termination of access by NIS Romania), the principal researcher must destroy the original dataset provided by NIS Romania and any confidential data derived from the dataset and sign a declaration to the effect that it has been ensured that all these data have been destroyed. This obligation applies to the original data sent by NIS Romania and to all confidential derived data.

The research entity is required to provide NIS Romania with references to all reports that have been produced using the data. To allow a central list of all data recipients and analyses to be continuously updated, these references shall be given to NIS Romania as soon as possible with any necessary qualifiers (e.g. ‘not to be quoted’). In any event, these references must be sent to the microdata access team immediately after the reports have been presented or published. The research entity will remain bound by this obligation even after finalisation of the research project or termination of the access to data.

The researcher(s) must not make further use of the information made available to him/her/them by NIS Romania after the completion of the research project or termination of the access to data. Failure to comply with this requirement shall result in liability to claims for damages and to penalties.

**Identification of data sources**

The researchers shall state the source of the data by referring to: ‘‘This study/report/paper is based on data from NIS Romania, *name of the survey*, *reference year(s)*’ and add the following disclaimer when disseminating the results of work to which the research proposal relates: ‘The responsibility for all conclusions drawn from the data lies entirely with the author(s) ‘.

**Resolution of disputes with data subjects**

In the event of a dispute or claim brought by a data subject or the National Supervisory Authority for Personal Data Protection concerning the processing of the confidential data for scientific purposes, research entity shall cooperate with a view to settling them amicably in a timely fashion.

**Applicable law**

The entity agrees that its rights and obligations shall be governed by the terms and conditions of the confidentiality undertaking and terms of use of confidential data and, in case of silence only, by Romanian law. Nothing herein shall constitute or be considered to be a limitation upon or a waiver of the privileges and immunities of the entity, which are specifically reserved.

**Annex 2 to Confidentiality undertaking for international organisations**

**Individual confidentiality declaration**

(part of the confidentiality undertaking, not to be signed by individual researchers)

*Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009* *with subsequent amendments and completions, on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. That Regulation foresees an additional possibility to give access to confidential data to researchers in the interest of scientific progress in Europe/Romania, subject to the strict obligation to respect the statistical confidentiality of the data.*

I will be bound by all the terms and conditions of the confidentiality undertaking signed by the duly designated representative of my research entity and will use the dataset indicated in the research proposal in accordance with the terms of use attached to the confidentiality undertaking.

I will:

1. use the dataset only for the purposes specified in the research proposal;
2. safeguard the dataset and any usernames and passwords associated with it;
3. ensure that any scientific research results published or disseminated in any way do not contain information that allows or could allow the identification of individual data by correlation with other information available to the public;
4. acknowledge the dataset and its source in any research report or publication and also state that the results and conclusions are mine and not those of NIS Romania whose data have been used;
5. provide NIS Romania with references to publications and other research reports based on this dataset;
6. preserve the confidentiality of information pertaining to identifiable individuals, households and/or organisations that are recorded in the dataset;
7. destroy the original dataset provided by NIS Romania and any confidential data derived from it at the end of the research period specified in the research proposal and sign a declaration to the effect that it has been ensured that all these data have been destroyed. This obligation applies to the original data sent by NIS Romania and to all confidential derived data.;
8. abide by any other conditions notified to me by NIS Romania (e.g. guidelines for publication);
9. inform NIS Romania immediately about any breach of the confidentiality rules laid down in the confidentiality undertaking or in the terms of use of confidential data for scientific purposes.

I will not:

1. use the data (scientific use files) outside the premises of my research entity;
2. allow non-authorized users to access the dataset (authorised users are named in the research proposal);
3. attempt to link the data to other (including public) datasets, whether or not provided by NIS Romania, if not expressly agreed;
4. attempt to identify any individual record (individual, household, business, etc.) in the dataset, or claim to have done so;
5. release or publish any information or results which identify any individual record or may lead to the identification of any individual record.

I certify that I have read all of the above clauses, that I understand that I am accountable for correct and responsible use of the data and data access system, and that I understand that if I fail to comply with these clauses, my access to the dataset will be withdrawn and I will be liable to any other sanctions that may be determined by my research entity.

Name: …………………………………Signature:………………..Date………

**Annex no…………to the contract**

**Research proposal application form**

This application form is intended to collect information about the research proposal for which access to confidential data for scientific purposes is required. The information in this application form will be examined by NIS Romania.

Please submit electronically the completed application form (in Word format) to: [datestat@insse.ro](mailto:datestat@insse.ro) or [statint@insse.ro](mailto:statint@insse.ro) (for international organizations).

The research proposal must contain the necessary information on the person requesting access, his or her research entity, the data requested and the mode of access. The criteria require that the research proposal describe the legitimate purpose of the research, i.e. the scientific purpose and that the results of the research are made public. The research results (articles, presentations, books, etc.) have to be specified in the research proposal. The need for the use of microdata for the research project should be justified.

Once requested by NIS Romania, the completed application form should be printed, initialled on each page and signed on the last page by the principal researcher and by the contact person in the research entity. The application form must be accompanied by a **confidentiality declaration** signed by each researcher named in the research proposal who will have access to confidential data for scientific purposes.

In case of a joint project (network of research entities) the contact persons of the research entities participating in the project must confirm the participation of the individual researchers in the project.

All initialled and signed documents must be submitted to [datestat@insse.ro](mailto:datestat@insse.ro) or [statint@insse.ro](mailto:statint@insse.ro) (for international organizations) in.PDF format. The originals must be duly kept at the research entity and shall be sent to NIS Romania only at explicit request.

Processing of personal data is protected in accordance with with 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. All information collected will be processed by NIS Romania for the sole purpose of verifying the applicant’s compliance with the Regulation. All relevant questions must be answered; failure to reply to all relevant questions will result in refusal of the application form. Applicants have the right of access to, and the right to rectify the data concerned. Applicants have the right to have recourse at any time to the National Supervisory Authority for Personal Data Processing.

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| ***RESEARCH PROPOSAL APPLICATION FORM*** |

**ALL FIELDS IN THE APPLICATION FORM ARE COMPULSORY – PROCESSING OF APPLICATION FORMS NOT DULY COMPLETED MAY BE DELAYED**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Research entity identification number:**  **Name of the contact person in the research entity:**   |  | | --- | | **In case of a network contract (more than one research entity participating in the project):** | | Other research entity identification number: | | Name of the contact person in the other research entity: | |  |
| **1. Identification of the researchers (and data manager) who will have access to the data** | |

|  |  |
| --- | --- |
| **1.1 Principal researcher:** |  |
| Name: |  |
| Position: |  |
| Telephone: |  |
| E-mail: |  |
| Official full name of the research entity: |  |
| English name: |  |
| Web address: |  |
|  |  |
|  |  |

|  |  |
| --- | --- |
| **1.2 Data manager - the person to whom confidential data will be sent - if different from principal researcher** |  |
| Name: |  |
| Position: |  |
| Telephone: |  |
| E-mail: |  |
| Official full name of the research entity: |  |
| English name: |  |
| Web address: |  |
|  |  |
| **1.3 Individual researchers** |  |
| Individual researcher (1) |  |
| Name: |  |
| Position: |  |
| Telephone: |  |
| E-mail: |  |
| Official full name of the research entity: |  |
|  |  |
| Individual researcher (2) |  |
| Name: |  |
| Position: |  |
| Telephone: |  |
| E-mail: |  |
| Official full name of the research entity: |  |

|  |  |
| --- | --- |
| Individual researcher (3) |  |
| Name: |  |
| Position: |  |
| Telephone: |  |
| E-mail: |  |
| Official full name of the research entity: |  |

*If more individual researchers, please contact* [datestat@insse.ro](mailto:datestat@insse.ro) *or* [*statint@insse.ro*](mailto:statint@insse.ro) *(for international organizations)*

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| **2. Purpose of the research proposal** |

*In case of an application for several projects, for which multiple datasets are needed, please send one research proposal application form per project.*

**2.1** Title(s) of the research proposal(s):

**2.2** Please describe the research project(s) for which access to confidential data is requested, objectives of the research project(s) and provide details on the underlying contract if the research project is commissioned by another body; maximum 2 pages.

**2.3** Please explain why the purpose of the research cannot be fulfilled using publicly available (non-confidential) data (for example data published on NIS Romania or Eurostat website)*.*

**2.4**. Please state the duration for which access to confidential data is requested (maximum five years), please respect the format: dd/mm/yyyy.

From:     /     /      To:     /     /

|  |
| --- |
| **3. Datasets to be used** |

**3.1 Please list the dataset(s) to be used:**

Statistical survey1:

Statistical survey2:

Statistical survey3:

**3.2 Please state the type(s) of confidential data for scientific purposes to be used:**

Scientific use files (partially confidentialised data[[4]](#footnote-4) delivered to researchers on CD/DVD/ memory stick USB)

Secure use files (confidential data that can only be accessed in a secure environment – not possible yet)

**3.3** For each selected dataset please describe which variable groups, reference years and target population will be used.

**3.4** Please state if you require access to the subsequent releases of the same selected datasets, that will be produced by NIS in the next period (available within the duration (item 2.4) of the project(s))**.**

YES

NO

**3.5** Please state how the above-mentioned dataset will be used. In case of access to several datasets, please state which data will be used for which part of the research project.

**3.6** Please state the methods of statistical analysis to be used.

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| **4. Results of the statistical analysis** |

**4.1** Please describe the expected outcomes of the statistical analysis of the data.

**4.2** Please describe how the results of the research will be published or otherwise disseminated: through which channels (printed publications, online publications, conferences, web, etc.)

|  |
| --- |
| **5. Safekeeping of confidential data for scientific purposes** |

**5.1 Please confirm compliance with the following requirements for safekeeping of NIS Romania scientific use files (original data received form NIS Romania and confidential intermediate results of analysis):**

* Data storage on server or stand-alone machines managed by the IT system administration of the entity;
* Data access only from clients or stand-alone machines managed by the IT system administration of the entity, with appropriate end-point security measures in place (e.g. physical security measures, virus/malware protection, permissions, authentication and authorization controls);
* Access allowed only from the premises of the research entity;
* Access to data restricted to the researchers named in the research proposal;
* Data export/copy in any form is forbidden. In particular to cloud systems, external storage services/devices (e.g. USB, external hard disks) or mobile devices;
* Secure disposal of data upon research project completion.

**5.2** Please describe how the anonymity of the statistical units will be ensured in published results of your research.

*I hereby certify that the information contained in this questionnaire is complete, accurate and correct and that any future change will be reported immediately to NIS Romania. I understand that NIS Romania is authorised to check at any time the accuracy of the information given in this questionnaire. I understand that NIS Romania may also request more information, if necessary.*

*I confirm that I submit this request in order to be granted access to confidential data for scientific purposes. The decision of NIS Romania may or may not authorise me to be granted access to confidential data for scientific purposes.*

*Furthermore, I commit myself to take and maintain all necessary measures in compliance with the requirements stated in the confidentiality declaration.*

Principal researcher:

Name: ……………………………………..

At: (please state location)…………………. Date:   /   / 20

Signature:……………………….

Contact person in the research entity:

The contact person confirms by his/her signature that all persons quoted in the research project proposal are employed by, or formally related to, the research entity. The contact person shall inform researchers named in the research proposal about the obligations described in the terms of use of confidential data.

Name: ……………………………………..

At: (please state location)………………… Date:   /   /20

Signature:……………………….

**Annex no ………..to the contract**

**Individual Confidentiality Declaration**

**(to be signed by all persons named in the research proposal)**

*Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 with subsequent amendments and completions, on European Statistics provides the basic legal framework for the development, production and dissemination of European statistics. That Regulation foresees an additional possibility to give access to confidential data to researchers in the interest of scientific progress in Europe/Romania, subject to the strict obligation to respect the statistical confidentiality of the data.*

I will be bound by all the terms and conditions of the confidentiality undertaking signed by the duly designated representative of my research entity and will use the dataset indicated in the research proposal in accordance with the terms of use attached to the confidentiality undertaking.

I will:

1. use the dataset only for the purposes specified in the research proposal;
2. safeguard the dataset and any usernames and passwords associated with it;
3. ensure that any scientific research results published or disseminated in any way do not contain information that allows or could allow the identification of individual data by correlation with other information available to the public;
4. acknowledge the dataset and its source in any research report or publication and also state that the results and conclusions are mine and not those of NIS Romania whose data have been used;
5. provide NIS Romania with references to publications and other research reports based on this dataset;
6. preserve the confidentiality of information pertaining to identifiable individuals, households and/or organisations that are recorded in the dataset;
7. destroy the original dataset provided by NIS Romania and any confidential data derived from it at the end of the research period specified in the research proposal and sign a declaration to the effect that it has been ensured that all these data have been destroyed. This obligation applies to the original data sent by NIS Romania and to all confidential derived data.;
8. abide by any other conditions notified to me by NIS Romania (e.g. guidelines for publication);
9. inform NIS Romania immediately about any breach of the confidentiality rules laid down in the confidentiality undertaking or in the terms of use of confidential data for scientific purposes.

I will not:

1. use the data (scientific use files) outside the premises of my research entity ;
2. allow non-authorised users to access the dataset (authorized users are named in the research proposal);
3. attempt to link the data to other (including public) datasets, whether or not provided by NIS Romania, if not expressly agreed;
4. attempt to identify any individual record (individual, household, business, etc.) in the dataset, or claim to have done so;
5. release or publish any information or results which identify any individual record or may lead to the identification of any individual record.

I certify that I have read all of the above clauses, that I understand that I am accountable for correct and responsible use of the data and data access system, and that I understand that if I fail to comply with these clauses, my access to the dataset will be withdrawn and I will be liable to any other sanctions that may be determined by my research entity or are specified in the applicable civil or penal law.

Name: …………………………………Signature:………………..Date………

1. A contact person coordinates submission of research proposals at the level of the entity; in particular, a contact person countersigns each research proposal submitted by the researchers of the entity. By his/her signature the contact person confirms that all persons named in the research proposal are employed by, or are formally related to, the research entity. The contact person shall inform researchers named in the research proposal about the obligations described in the terms of use of confidential data. [↑](#footnote-ref-1)
2. The countries covered by adequacy decisions: Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Switzerland, United Kingdom and Uruguay. See more: <https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en> . ) [↑](#footnote-ref-2)
3. These are countries recognized by the Commission as having adequate level of protection of personal data ensured by the domestic law or international commitments. The following countries are on that list: Andorra, Argentina, Canada, Switzerland, Faeroe Islands, Guernsey, State of Israel, Isle of Man, Jersey, New Zealand, United Kingdom and Eastern Republic of Uruguay. See more: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\_en [↑](#footnote-ref-3)
4. Data on which special statistical disclosure control methods have been applied in order to reduce to an appropriate level and in accordance with current best practice the risk of identification of the statistical unit(s). [↑](#footnote-ref-4)