

## **CONDITIONS FOR THE TRANSFER OF DATA FROM THE GENERAL TREASURY OF THE SOCIAL SECURITY TO RESEARCHERS, AS WELL AS FOR THE USE OF MICRODATA FROM THE COMPANIES - WORKERS DATA PANEL**

I.- These conditions refer to the processing of the anonymised microdata files set out in the Addendum attached thereto, which shall likewise be part of this document.

II.- The organisation \_\_\_\_\_ (hereinafter the transferee), has submitted a research proposal which contains the relevant information, as well as the grounds for the need to access such data for scientific and statistical purposes. Once the proposal was duly assessed pursuant to the criteria established by the General Treasury of the Social Security, based on the guidelines set out in Art. 4.1 of Regulation (EU) No. 557/2013 of the Commission, of 17 June, this Common Service acknowledges that it may act as transferee of the aforementioned data.

III.- The transferee shall receive from the General Treasury of the Social Security, controller of the files containing the data mentioned in item I above, the aforementioned data, the use of which shall be limited to those persons who were previously designated by said transferee, pursuant to the following conditions:

1.- The transferee shall take all necessary technical, administrative and organizational measures to ensure that no data contained in the files is disclosed to third persons, institutions and/or organisations. Any data transfer to third parties must be granted the prior express approval of the General Treasury of the Social Security and it must comply with the requirements provided by the latter.

2.- Data shall only be used for statistical purposes or within the framework of scientific research projects; therefore, any research on individuals or individual organisations is forbidden. Data may not be used for purposes other than the ones established in this document.

Data may only be accessed by the main researcher and any other researchers listed in the research proposal. All of them must execute the non-disclosure agreement corresponding to the transferred data. The execution of such agreement by researchers shall in no way release the transferee from its relevant duties and liabilities.

Any extension or modification of the research team must be duly communicated to the General Treasury of the Social Security, together with the execution of the relevant non-disclosure agreement before any of the new researchers may carry out of any action involving the use of the transferred data.

3.- Any attempt to identify, whether directly or indirectly, the subjects to which data refer is strictly forbidden. The identity of any person or organisation that may have been discovered unintentionally may not be used. Likewise, the General Treasury of the Social Security must be immediately informed of any such discovery.

4.- No action may be carry out for the comparison of data sets distributed by the General Treasury of the Social Security or data from the General Treasury of the Social Security with any other data sets that may lead to the identification, whether directly or indirectly, of any individuals or organisations.

5.- All publications or documents containing results obtained from the processing of these files shall include restrictions applied to data classification cells so that results corresponding to small sample observations, pursuant to the conditions set out in Addendum I, may not be published.

Transferees receiving the relevant information shall consider all technical recommendations on accuracy and relevance which shall be provided together with the files and which are set out in Addendum I.

6.- Any product for the dissemination of the results obtained from the processing of the transferred microdata files shall include the relevant reference to the General Treasury of the Social Security as data source.

7.- A copy in digital format of all publications and dissemination activities based on the transferred data must be sent to the General Treasury of the Social Security.

8.- Under no circumstance may the General Treasury of the Social Security be liable for the use and interpretation of the transferred data or for any conclusion drawn based on them.

9.- Transferred data shall be protected by means of any security measures established by the General Treasury of the Social Security in Addendum I. Access to transferred data must be limited to those researchers listed in the initial research proposal or, where appropriate, to those who may subsequently join the project after the delivery of the compulsory notice to the General Treasury of the Social Security. The access system must allow for the identification of the user and the actions carried out regarding the transferred data.

The transferee undertakes to undergo security checks pursuant to the requirements of the General Treasury of the Social Security, being required to comply with its instructions and recommendations.

10.- The transferee undertakes to provide the General Treasury of the Social Security with an annual report on the use of the transferred data stating the number of researchers permitted to access each data set, as well as the progress of the research being carried out.

Notwithstanding the foregoing, the General Treasury of the Social Security may request at any time information of the data protection systems and on the access systems implemented.

11.- The General Treasury of the Social Security may establish a register of research organisations, in which case it may include the transferee in the updated list of approved research organisations. Likewise, the General Treasury of the Social Security may remove the transferee from the eventual existing register and terminate any new data transfer by means of the issue of the relevant decision.

12.- Any breach of the obligations arising from this document may entitle the General Treasury of the Social Security to terminate the data transfer subject matter of this document. Any breach by a researcher of the aforementioned obligations may lead to the full termination of the data transfer by the General Treasury of the Social Security.

13.- Any processing of the transferred data which has been carried out in breach of the provisions set out herein may be communicated by the General Treasury of the Social Security to the Spanish Data Protection Agency for Data Protection so that the latter may exercise its power to impose penalties. For these purposes, if the transferee carried out the processing of the transferred data in breach of the provisions set out herein, it may be deemed as data controller for the relevant enforcement purposes.

14.- Regardless of the enforcement of the relevant penalties, any breach by the transferee of the obligations regarding the transfer of use of the data pursuant to the terms set out in paragraphs III.1 and III.2, as well as the prohibition from carrying out any activities that may eventually lead to the direct or indirect identification of the subjects to which data refer, pursuant to the terms set out in paragraph III.4, shall give rise to the imposition of a fine amounting to € 50,000. The imposition of such a fine shall be compatible with any compensation for damages that may be enforced.

15.- The transferee undertakes in writing to destroy any data provided once used, which shall take place, in any case, before the completion date of the activity established in item IV. Likewise, the transferee shall destroy the data if it received a decision for the termination of the transfer by the General Treasury of the Social Security .

IV.- The term of the activity subject matter of this document shall cover just the period needed by the research team to complete the research planned with a maximum duration, in any case, of one year. Such term may be extended if the objective of the research could not be achieved due to duly proven reasons acknowledged by the General Treasury of the Social Security.

V.- The transferee acknowledges that it is familiar with the guidelines established by the Spanish Data Protection Agency in the document "Guidelines and guarantees regarding

anonymisation procedures of personal data” published by the Spanish Agency of Data Protection. The transferee undertakes to meet and comply with the aforementioned guidelines during the development of the activities subject matter of this document.

VI.- The person appointed by the transferee to act as contact person in relation to any issues regarding the activities subject matter of this document is

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address:  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Any change regarding the person appointed as contact person must be immediately communicated to the General Treasury of the Social Security.

VI.- Communications to the General Treasury of the Social Security must be addressed to:

*pet.tgss@seg-social.es*

The undersigned does hereby accept the conditions set out herein.

**Representative of the transferee** \_\_\_\_\_

PLACE AND DATE \_\_\_\_\_

## **ADDENDUM I SPECIFIC TERMS AND CONDITIONS REGARDING THE TRANSFER OF DATA FROM THE GENERAL TREASURY OF THE SOCIAL SECURITY**

### **I.- Anonymised data files subject matter of the transfer**

The anonymised microdata files to which this document refer are the following:

\* Attached as ADDENDUM.

### **II.- Restrictions to be applied to the data classification cells.**

Any publication or document prepared by the transferee containing results obtained from the processing of these files, must be applied the following restrictions:

- **Masking or de-identification:** Any relevant measures must be implemented to ensure at all times the anonymity of the individuals, as well as to guarantee the privacy of their personal data.
- **Data clustering:** Any data whose frequency is under 5 statistical units shall be clustered.

### **III.- Extraction of information from the systems.**

Data shall be encrypted in those computer systems and devices through which the information is transmitted.

The transferee must adapt to the operating conditions of such media so as to guarantee the security of the data received.

### **IV.- Security Risk Assessment.**

*Taking into account the considerations of the statistical technicians of the General Treasury of the Social Security and computer technicians of the IT Department of the Social Security, a Security Risk Assessment and a Data Protection Impact Assessment have been carried out pursuant to the criteria set out in the "Practical Guide to Risk Analysis in the Processing of Personal Data subject to the GDPR" and in "The Practical Guide to Data Protection Impact Assessments subject to the GDPR".*

*The results of such assessments shall determine both the data processing and the security control measures the recipients of the information must comply with. However, since the CWDP [Companies - Workers Data Panel] is comprised of anonymised microdata files*

*(ADDENDUM), the security measures applicable to the personal data processing and files shall be the ones corresponding to the HIGH RISK level in any case.*

*The results of the security risk assessment, pursuant to the provisions of Article 39 of Regulation (EU) 2016/679, of 27 April 2016, has been communicated to the Data Protection Officer, position corresponding to the person holding the office of Director of the Legal Service of the Social Security Administration by virtue of the resolution of the General Council for the Electronic Administration of the Social Security Administration at a meeting held on the 31 January 2017.*

#### **V.- Computer equipment and rules for the use thereof.**

*The IT Department of the Social Security shall establish the technical guidelines regarding the delivery of data, deciding on the technological format for such data, the relevant access control system and those measures to be implemented so as to guarantee that the delivery is not rejected.*

*Such measures may be subject to regular or occasional review and/or control.*

#### **VI.- Requirements of the research proposal.**

The research proposal must be submitted by a public or private institution devoted to scientific research activities (public or private organisations, universities and non-profit organisations developing scientific research activities as stated in their operating or incorporation statutes as their purpose), social agents, offices of the Administration, as well as any other institutions carrying out statistical analysis and studies of public interest with non-commercial purposes.

The research proposal must state in sufficient detail:

- a) the legitimate purpose of the scientific research;
- b) the explanation of the reasons why such purpose cannot be achieved using data from publicly accessible sources;
- c) the entity requesting the access and, where appropriate, the relevant department, as well as whether the project is supported by the head of the corresponding organisation;
- d) the individual researchers and any other persons which may access, maintain and process the relevant data;
- e) any computer equipment to be used for the relevant access and processing;

- f) the planned duration of the study;
- g) the set of data of the CWDP to be processed, the methods used to analyse them, breakdown of any other databases to be correlated with the information requests, data clustering appropriate for the researcher; and
- g) the results to be expected from the research to be published or disseminated.