



Bosnia and Herzegovina
AGENCY FOR STATISTICS OF
BOSNIA AND HERZEGOVINA

Pursuant to Article 9. paragraph (2) of the Law on Statistics of Bosnia and Herzegovina ("Official Gazette of BiH", 26/04, 42/04) and Article 61. paragraph (2) of the Law on Administration ("Official Gazette of BiH", No 32/02, 102/09, 72/17), Director of the Agency for Statistics of Bosnia and Herzegovina issues

THE RULEBOOK
ON CONDITIONS AND TERMS OF ACCESS AND USE OF
CONFIDENTIAL STATISTICAL DATA OF THE AGENCY FOR STATISTICS
OF BiH FOR SCIENTIFIC PURPOSES

PART ONE – INTRODUCTORY PROVISIONS

Article 1

(The subject and legal basis for scope of application of the Rulebook)

- (1) This Rulebook defines conditions and terms of permitting the access to confidential statistical data of the Agency for Statistics of Bosnia and Herzegovina (hereinafter: the Agency) for scientific purposes.
- (2) The terms of access and use of confidential statistical data of the Agency shall be done according to the Law on Statistics of Bosnia and Herzegovina and the Law on the Protection of Personal Data of Bosnia and Herzegovina ("Official Gazette of BiH", 12/25).
- (3) Access to confidential statistical data which only enable indirect identification of a statistical unit may be given, exceptionally, upon written request, for the purpose of carrying out statistical analyses exclusively for scientific purposes in accordance with the provisions of Article 23 of the Regulation (EC) No. 223/2009.

Article 2

(Definitions of terms and identification of statistical units)

- (1) For the purposes of this Rulebook, the following definitions shall apply:
 - a) »Confidential statistical data for scientific purposes« mean statistical data that enable only the indirect identification of a statistical unit.
 - b) »Research entity« means a legal entity performing a scientific research activity, or a scientific research unit (department, etc.) within a legal entity, which must be autonomous and independent in formulating scientific conclusions and separated from the scope of activity of the legal entity to which it belongs.

- c) »Researcher at a research entity« means a natural person engaged in scientific research in a research entity who is formally affiliated with it or a doctoral student enrolled in a postgraduate university doctoral study programme at the research entity.
- d) »Entity requesting access« means a research entity referred to in point b) of this paragraph requesting access to confidential statistical data.
- e) »Research project« means a time-limited scientific research activity carried out by researchers at a research entity or doctoral students during the postgraduate university doctoral study for the purpose of drafting a doctoral thesis, which has a clearly defined scientific purpose of research, research manager, research associates (if any), methods of statistical analysis, description of expected results and the manner of their publication (articles, presentations, publications, etc.).
- f) »Data user« means a researcher at a research entity referred to in point c) of this paragraph whose name is specified in the contract for the use of confidential statistical data for scientific purposes.
- g) »Safe room« means a strictly controlled environment within the Agency's premises where access to confidential statistical data for scientific purposes is ensured.

(2) The expression »identifier« refers to »direct identification« and »indirect identification« and have the same meaning as those in the Article 3, points 9 and 10 of the Regulation (EC), No 223/2009.

a) »direct identification« means the identification of a statistical unit from its name or address, or from publicly accessible identification number;

b) »indirect identification« means the identification of a statistical unit by any other means than by way of direct identification.

(3) The terms used in this Rulebook, which have gender meaning, apply equally to male and female gender.

PART TWO - CONDITIONS FOR ACCESS TO CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

Article 3

(General conditions that must be met by the research entity)

The entity requesting access shall comply with the following conditions:

- a) have the status of research entity referred to in Article 2, paragraph (1) point b. of this Rulebook.
- b) have experience in carrying out research projects.
- c) be able to implement technical and organisational measures to ensure the protection of confidential data.

Article 4

(Content and elements of the research project)

The proposal for the research project for which access is requested must contain:

- a) scientific purpose and objectives of the research project;
- b) explanation why the scientific purpose of the research project cannot be achieved using non confidential data;
- c) timeline of the research project;
- d) information about the data user;
- e) datasets requesting access and methods of their analysis;
- f) expected results of statistical analyses of data for which access is requested;
- g) method of publication of research results for which confidential statistical data will be used (articles, presentations, publications, etc.).

Article 5
(Duration of access to confidential statistical data)

- (1) Access to confidential statistical data for scientific purposes may only be granted within the duration of the research project.
- (2) The research entity may be granted an extension of the duration of access laid down in paragraph 1 of this Article based on a request submitted no later than 30 days after the expiry of the deadline.
- (3) The maximum duration of access to confidential statistical data for scientific purposes shall be five (5) years, including the extended duration of access.

PART THREE - TERMS OF ACCESS TO CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

Article 6
(Forms of access to confidential statistical data for scientific purposes)

- (1) The Agency may provide the access to confidential statistical data for scientific purposes in one of the following terms:
 - a) in the »safe room«
 - b) »remote access«
 - c) on a portable data storage medium.
- (2) Confidential statistical data for which access in the “safe room” and “remote access” has been granted, in addition to having their direct identifier removed, may be further protected by methods to minimise the risk of disclosure of the statistical unit (data anonymisation).
- (3) Confidential statistical data for which the access is given on a portable data storage medium, along with the removal of a direct identifier is further protected by methods in order to minimise the risk of disclosure of the statistical unit (data anonymisation).

Article 7
(Access to confidential statistical data in the “safe room”)

(1) The Agency shall make available a terminal with a virtual desktop containing installed statistical programmes for statistical analysis to the data user accessing confidential statistical data for scientific purposes in the “safe room”.

(2) The place of access to confidential statistical data is in the Agency’s premise, which only authorised persons have access to.

(3) As an exception to paragraph 1 of this Article, the data user may, subject to the prior approval of the Agency, be allowed to use other programmes for statistical analysis or use his or her own programme codes for work in statistical analysis programmes.

(4) When working in the “safe room”, it is necessary to follow the instructions for working with confidential statistical data provided to the data user before starting work.

(5) The Agency shall provide the results of the statistical analyses generated in the “safe room” to the data user who had access to the data only after verifying the results from the point of view of statistical confidentiality.

Article 8

(“Remote access” to confidential statistical data)

(1) »Remote access« to confidential statistical data for scientific purposes is carried out by establishing a secure connection of the computer of data user with the virtual environment of the Agency.

(2) The Agency shall make available programmes for statistical analysis to the data user.

(3) As an exception to paragraph 2 of this Article, the data user may, subject to the prior approval of the Agency, be allowed to use other programmes for statistical analysis or to use his or her own programme codes for work in statistical analysis programmes.

(4) The results of statistical analyses (files) generated during the work with confidential statistical data are stored directly and exclusively on the Agency’s information system.

(5) During the »remote« work, it is necessary to follow the instructions for working with confidential statistical data provided to the data user before starting work.

(6) The Agency shall provide the results of statistical analyses generated during “remote access” to the data user who had access to the data only after verifying the results from the point of view of statistical confidentiality.

Article 9

(Access to confidential statistical data via a portable data storage medium)

(1) Access to confidential statistical data for scientific purposes via a portable data storage medium is carried out by delivering data encrypted by appropriate protection methods to the user. Access data for decryption (code or digital key) is delivered to the user through a separate and secure communication channel, regardless of the method of delivery of the medium itself.

(2) The portable data storage medium with confidential statistical data can be taken over personally by the data user within the premises of the Agency or it can be delivered to the data user by postal service.

(3) Confidential statistical data obtained from a portable data storage medium must not be printed or copied by the data user on any medium nor passed on to other persons.

(4) The data user is obliged, during processing of confidential statistical data, to disconnect the computer on which the processing is carried out from all networks to which he or she has access and, after processing, to remove the data from the computer.

Article 10

(Delivery of statistical analysis results to data users)

The Agency shall deliver the results of the statistical analyses referred to in Article 7, paragraph (5) and Article 8, paragraph (4) of this Rulebook to the data user who had access to the data by e-mail within 15 working days from the date of completion of the work with the data.

PART FOUR - PROCEDURE FOR ATTENDING TO APPLICATIONS FOR THE USE OF CONFIDENTIAL STATISTICAL DATA FOR SCIENTIFIC PURPOSES

Article 11

(Submission of requests and mandatory documentation)

(1) The request for the use of confidential statistical data for scientific purposes (hereinafter: the request) and evidence of the fulfilment of the conditions for granting the request shall be submitted in writing to the Agency directly, by postal service or by e-mail.

(2) The request shall contain all the information referred to in Articles 3 and 4 of this Rulebook and be signed by the person in charge in the research entity. The request form is prescribed by the Commission and is an integral part of this Rulebook - (Form 1).

(3) In addition to the request, the applicant shall include:

a) proof that a legal person is registered to carry out a scientific research activity (extract from the judicial register or extract from register of other legally authorised body in Bosnia and Herzegovina, or extract from the register of the country of the business establishment of the legal entity outside the Bosnia and Herzegovina showing the performance of a scientific research activity or an extract from the records of the European Commission (Eurostat) of recognised research entities carrying out statistical analyses for scientific purposes;

b) organization chart of the applicant;

c) proof that the researcher at the research entity, who will have access to confidential data has the status of scientist or master student (second cycle – master's degree, integrated study), or doctoral study (third cycle – doctoral study) and is part of the research entity (extract from the Register of Scientists with the competent registry in Bosnia and Herzegovina, or certificate of the status of study, or extract/certificate on the status of scientist for scientists outside Bosnia and Herzegovina);

d) list of publications published by the entity requesting access and list of research projects in which he or she participated;

e) Signed Statement of measures for protection of confidential data at the access point, computer system or other medium on which the confidential statistical data to be used will be stored. The Form of the Statement on data protection and storage measures is prescribed by the Commission and is an integral part of this Rulebook – (Form 2). With this Statement, the research entity and the data user commit to use a minimum of technical and organizational measures, which include, but are not limited to:

- 1) Preventing the connection of a computer on which confidential data is processed to any public or local network (Internet, LAN) during processing, in accordance with Article 9, paragraph (4) of this Rulebook;
- 2) Implementation of measures to prevent unauthorized physical access to premises and computer equipment on which data is stored or processed;
- 3) The obligation to securely and permanently delete confidential data from all media after the expiration of the period of use and to submit a certificate of data destruction to the Agency, in accordance with Article 17, paragraph (3) of this Rulebook;
- 4) Prohibition of duplicating, printing or forwarding data to unauthorized third parties, in accordance with Article 9, Paragraph (3) of this Rulebook.

(4) The evidence referred to in paragraph (3) of this Article shall not be older than 90 days from the date of submission of the request.

(5) The entity requesting access shall propose a form of access, and the Agency shall decide on the term of access, taking into account the details and sensitivity of the data to which access is requested.

(6) If the request is incomplete, the Agency shall invite the applicant to supplement the request.

Article 12

(Commission procedures and the deadline for submitting a proposal for a decision)

(1) The request referred to in Article 11 of this Rulebook shall be considered by the Statistical Confidentiality Commission of the Agency (hereinafter: the Commission), who then submits a proposal for a decision explaining the reasons for granting or rejecting the request, in writing, to the Director of the Agency.

(2) The proposal for a decision referred to in paragraph (1) of this Article shall be determined by the Commission within 15 working days of receipt of the duly completed request.

Article 13

(The composition, jurisdiction and method of work of the Commission for statistical confidentiality)

(1) The Commission shall have nine (9) members that are appointed from among the employed persons of the Agency in charge for the affairs of preparation, production, dissemination and user relations, statistical confidentiality, information security and legal affairs.

(2) The president of the Commission shall be the Head of Sector for statistical methodologies, standards, planning, quality and coordination.

- (3) The deputy president of the Commission shall be the Head of the Dissemination Sector.
- (4) The deputy president replaces the president in case of his/her absence or inability, and in that case he/she has all the rights and obligations of the president of the Commission.
- (5) The members of the Commission shall be appointed by decision of the Director.
- (6) The Commission shall adopt proposals for decision by the majority of votes of all members.
- (7) The Commission has a secretary, who shall be appointed by the Director of the Agency from among the Agency's employees.
- (8) The working arrangements and other matters relevant to the performance of the tasks falling within the scope of the Commission shall be governed by the rules of procedure adopted by the Commission.

Article 14
(Decision on the request)

- (1) A decision on the request shall be made by the Director of the Agency, as a rule, within ten (10) working days from the date of the receipt of the decision proposal referred to in Article 12, paragraph (1) of this Rulebook.
- (2) The decision referred to in paragraph (1) of this Article is not an administrative act.
- (3) The Agency shall notify the applicant in writing about the decision referred to in paragraph (1) of this Article.

Article 15
(Withdrawal of request for access to confidential data)

An entity that has requested access to confidential statistical data for scientific purposes may at any time withdraw the request, in whole or in part, of which he or she shall inform the Agency in writing.

Article 16
(Contract on the use of confidential statistical data)

- (1) The Agency and the research entity to which the request has been granted shall conclude a specific contract on the use of confidential statistical data (hereinafter: the Contract), in writing.
- (2) The Contract must contain information about each individual data user who will have access and their confidentiality declarations as well as provisions on protecting the confidentiality and protection of statistical data provided for use, in accordance with this Rulebook and regulations from the Article 1 of the Rulebook. The Form of the Declaration of confidentiality is prescribed by the Commission and is an integral part of this Rulebook - (Form 3).

Article 17
(Data user obligations and actions after the completion of the project)

(1) Access to confidential statistical data for scientific purposes shall be granted to data users whose names are listed in the Contract.

(2) The contracting party and/or the data user shall be responsible for taking all necessary administrative, technical and organisational measures to protect confidential statistical data for the scientific purposes made available to them under the Contract, in particular for the appropriate physical security of premises and computer systems, adequate data safekeeping in the computer system, appropriate storage of the portable medium on which the data are stored, and appropriate means of safekeeping confidential data analysis results (limited access to the room and computer containing the results).

(3) After the completion of the research project, and at the latest within 30 days, the contracting party shall notify the Agency in writing of the destruction of confidential statistical data to which it had access. This statement applies to the original data provided by the Agency to the contracting party and to all subsets of the original dataset. The form of the Declaration on the destruction of confidential statistical data is an integral part of this Rulebook – (Form 4)

Article 18

(Obligation to provide information on published results)

Upon completion of the research project, the contracting party shall make available to the Agency all links to published research results for which the data were used.

Article 19

(Procedures in case of violation of the terms of use of data)

(1) If the Agency finds out that the contracting party and/or the data user does not comply with the Contract, this Rulebook and the regulations referred to in Article 1 of this Rulebook, it shall suspend without delay the access to or use of data in question.

(2) Commission referred to in Article 13, paragraph (1) of this Rulebook shall consider the veracity of findings about non-compliance with the conditions for the use of confidential statistical data and shall propose further action to the Director of the Agency.

(3) If the Commission determines that the findings about non-compliance with the conditions for access to confidential data are true, the Agency may for a certain period of time or permanently reject access to confidential statistical data and terminate the Contract, and act in accordance with the penalty provisions of the regulations referred to in Article 1, paragraph (2) of these Rulebook.

Article 20

(Responsibility of the Agency for access security in the secure room and for remote access)

The Agency shall, within its scope of competence, be responsible for taking all necessary administrative, technical and organisational measures to protect confidential statistical data for scientific purposes to which data users have access in the »safe room« and »remotely«, in particular for the appropriate physical security of premises and computer systems, adequate

data safekeeping in the computer system and an appropriate way of safekeeping the statistical analysis results.

Article 21
(The costs of access and use of confidential statistical data)

The costs of access, preparation, processing and control according to the request shall be settled by the research entity requesting access to the confidential statistical data for scientific purposes, according to the Agency's price list.

Article 22
(Keeping records on the research entities)

The Agency shall keep a record on the research entities with whom the Contract has been concluded and the purposes for which these data were given. The Form of the Record of the research entities is an integral part of this Rulebook – (Form 5).

Article 23
(Misdemeanor responsibility for providing illegal access)

A misdemeanour responsible person of the Agency who provides access to confidential statistical data for scientific purposes opposing to the provisions of this Rulebook and the regulations referred to in Article 1 of this Rulebook shall be penalised in accordance with the sanctions set out in the Law on Statistics of Bosnia and Herzegovina and the Law on the Protection of Personal Data of Bosnia and Herzegovina.

PART FIVE – TRANSITIONAL AND FINAL PROVISIOS

Article 24
(Appointment of the Commission and adoption of Rules of Procedure)

(1) The Director of the Agency shall take a decision on the appointment of the Commission referred to in Article 13, paragraph (3) of this Rulebook within 30 days of the date of entry into force of this Rulebook.

(2) The Commission referred to in Article 13, paragraph (1) of this Rulebook shall adopt the Rules of Procedure referred to in Article 13, paragraph (5) of this Rulebook within 60 days of the date of entry into force of this Rulebook.

Article 25
(Termination of earlier provisions)

Upon entry into force of this Rulebook, Chapter VI, namely Articles 18, 19 and 20 of the Rulebook on the Protection of Statistical Data in the Agency for Statistics of Bosnia and Herzegovina (number: 01-02-03-603-1/16, dated 19.05.2016) shall cease to have effect.

Article 26
(Entry into force and start of application of the Rulebook)

This Rulebook shall enter into force on the day of its adoption, and it shall apply within 30 days following its adoption and its publication on the Agency's web portal.

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Sarajevo, 20 January 2026

Director

Vesna Čužić