Office for National Statistics

Response to the ONS consultation on the Approved Researcher Scheme

03 July 2015

1. Background

- ONS ran a public consultation exercise, from 26th February until 29th March 2015, on the criteria, processes and safeguards used in the Approved Researcher Scheme. This exercise included a public consultation event in London, on 16th March.

- The Approved Researcher Scheme is used by ONS to grant access to data that cannot be published openly, for statistical research purposes, as permitted by the Statistics and Registration Service Act 2007[1] (SRSA).

- The criteria and process used to designate Approved Researchers were set, by the National Statistician, in 2008. Although these have worked well since that time, a number of limitations were identified by ONS, its users and other bodies who disseminate access to microdata (e.g. The UK Data Service [UKDS] and Health and Social Care Information Centre [HSCIC]).

- The National Statistician commissioned a review of the scheme, to establish whether improvements could be made, to help ensure best use of its data whilst protecting the confidentiality of respondents, and this consultation exercise formed part of that review.

- ONS appointed an Expert Steering Group, composed of ONS staff and external stakeholders, to conduct this review and to submit a set of recommendations to the National Statistician upon its completion.

- The Steering Group agreed the consultation questions, have reviewed the responses and are currently considering the final recommendations to be made to the National Statistician.

- The consultation sought views on nine proposed changes to different aspects of the Approved Researcher scheme.

- The consultation exercise was supported by a public meeting on 16th March 2015.

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[1]The Section of the SRSA regarding Approved Researchers is available here: http://www.legislation.gov.uk/ukpga/2007/18/section/39

2. Summary of responses

- The consultation received over 120 responses, including those from the online questionnaire and additional submissions by email.

- These responses came from a broad range of ONS stakeholders, including individuals and organisations in: Central Government, Local Government, Academia, Business, Voluntary organisations, Privacy Groups and the general public. A list of all organisations who responded is included in Annex A.

- Many responses contained useful supporting comments, and evidence for views expressed, which will help inform the final proposals to the National Statistician.

- There was strong support for many proposals, particularly those that will reduce administrative burden and increase transparency.

- Other proposals, notably those that would increase the use of ONS data by commercial organisations, received a mixed response, with strong views expressed, both in favour and against the proposals.

- Section 2.1 contains a summary of responses to each of the proposals

2.1 Summary of responses to proposals

Proposal 1 – To approve individuals and their research projects separately

- Over 80% of respondents supported this proposal, as it would:

  - o Reduce the burden on ONS and applicants; and

  - o Should speed up the application process

- Around 70% of respondents thought that Individuals should be approved for a period of three years or more, while others supported either a more frequent renewal, or renewal in line with the length of the research project.

  - o Over 60% of respondents supported a renewal period of three or five years

    - ▪ Three years is the typical lifespan of a major project, while five years would align with the most common academic funding cycle.

- Although the significant majority of respondents supported this proposal, a minority wanted ONS to continue the joint approval of the individual and their project and wanted a shorter renewal period.

  - o Suitability of a researcher in one field does not mean suitability in another

Proposal 2 – To allow "on-going" access to datasets, for an agreed period of time

- Over 80% of respondents supported this proposal.

    - Continuous access is very useful for longitudinal studies

    - Reapplying for access to the same data every quarter or year is a significant burden

- Around 65% of respondents thought that such access should be approved for a period of three years or more, while others supported either a more frequent renewal, or renewal in line with the length of the research project.

    - Almost 60% of respondents supported a renewal period of three or five years

        - Three years is the typical lifespan of a major project, while five years would align with the most common academic funding cycle.

- Although the significant majority of respondents supported this proposal, a minority wanted ONS to require a new application for each instance of a dataset.

    - Research that is currently approved may, with the passage of time, become viewed as inappropriate or unethical.

Proposal 3 – To allow individuals from overseas to apply for Approved Researcher status, and propose research projects of benefit to the UK

- Almost 70% of respondents supported this proposal.

    - Such access would facilitate international collaborations and comparisons

    - Would be compatible with the European "Data without Boundaries" project.

- Other respondents were either against this proposal, or stated that additional restrictions or controls, above those proposed, would be required if it were implemented.

    - Non-UK researchers would effectively face lower sanctions for any misuse of ONS data, as they would be less reliant on future access than a UK-based researcher

    - An overseas researcher should have a contractual or legal connection to a UK legal entity (e.g. a UK University), who could be held accountable for any misuse of data, before approval is given.

    - If applications were allowed from overseas, it may be appropriate to hold a "blacklist" of prohibited countries.

Proposal 4 – To Approve individuals without the required level of previous research experience, providing they work exclusively under the direction of an experienced Approved Researcher

- Almost 80% of respondents supported this proposal in principle, although many responses suggested limits on such access:

  o Most respondents in favour supported such access for Postgraduate students, but not Undergraduate students

  o Such access could only be given if accountability for the security and proper use of the data is explicitly agreed – is it one or all of: The researcher, the supervising Lead researcher or the supporting organisation?

  o The Lead researcher may require specific additional training before being able to supervise junior researchers

- Despite a notable majority supporting this proposal, a significant range of concerns were expressed.

  o This proposal may place too great a burden on the Lead researcher

  o Such access should only be considered for researchers, who have a contract with an organisation; not for those whose only link is as taught students.

Proposal 5 – To set explicit qualifications and/or research experience requirements to obtain Approved Researcher status

- Around 80% of respondents supported this proposal in principle, although many respondents stated that greater clarity around acceptable degree subjects was required.

  o The recognition of practical experience, rather than purely academic skill, is welcome.

  o Individuals qualified in other subjects requiring significant data analysis (e.g. Economics, Epidemiology) should be considered acceptable

- Respondents who disagreed with this proposal were equally split between those who considered it too restrictive and those who consider it too lenient.

  o Minimum requirement should be set higher (post-graduate degree or PhD)

  o Local Government researchers may find it hard to demonstrate the required experience, as it is currently defined - Criteria should allow Local Authority transport planners to access the Census Origin→Destination data

Proposal 6 – To clarify requirements to undertake training and sign a "User Agreement" before access to data is granted, and ensure that *any* evidence of prior data misuse would result in Approved Researcher status being denied

- Almost 90% of respondents supported this proposal.

    - A proper system of education, on-going monitoring and sanctions is commended

- Many respondents made specific comments in support of working collaboratively with other bodies who provide access to legally protected data

    - Data providers should accept each other's training as sufficient

    - Training for the Secure Data Service should ideally be harmonised with ONS

    - Information about breaches should be shared among data providers

    - The UK Statistics Authority should convene a formal panel of safe-setting data owners and operators

        - New organisations wishing to provide such a service, should have to meet agreed standards before being granted membership of that group

Proposal 7 – To update and clarify the definition of "public good" that must be satisfied for a project to be approved

- Although around 70% of respondents supported this proposal in principle, a significant minority of respondents disagreed with some of the proposed definitions of public good.

    - There needs to be a tighter definition and more clarification of what is meant by "public good"

    - Such clarification would allow applicants a better view of whether to invest effort in a proposal

    - The current examples are much too narrow

- Around 30% of respondents disagreed with one or more of the proposed definitions

    - Around 70% of these respondents disagreed that the public good could be met by "providing an evidence base for commercial decisions that benefit the UK economy or society"

    - Around 50% disagreed that the public good could be met by " Providing a contribution that improves the economic competitiveness of the UK

- Some respondents suggested that it may be better to set out "examples" of how the public good may be met, rather than a checklist of which at least one must be met

Proposal 8 – To allow the speculative analysis of ONS microdata, with the intention of making a profit through the sale of resulting analyses

- The consultation asked separate questions about the acceptability of "speculative" research and the sale of the results of such analyses.

- Around 70% of respondents supported the proposal to allow speculative research under certain circumstances.

  o Such research should be considered "Exploratory" rather than "speculative"

  o Blue Sky research can identify new ways to serve the public good

  o Pilot work is often necessary to examine data and identify their usefulness

  o Such access could be granted for shorter periods of time and with an express ban on the publication of findings

- Almost 60% of respondents did not agree that the sale of results from such analyses should be permitted, even where projects are judged to serve the public good.

  o Selling results of public research could adversely affect the trust between ONS and the data subjects

  o The public do not want profit to be made from the analysis of their data

  o Commercial use could incentivise wrong-doing

  o Use of compulsorily collected data for commercial purposes could lead to greater refusal to supply data to ONS

- A joint letter was also submitted to the National Statistician, with 557 public signatories, asking for this proposal to be rejected

- A significant minority (40%) of respondents were in favour of this proposal

  o Allowing such access would be consistent with Government "Open Data" Principles (as set out in 2012 White Paper), which support "free re-use, including commercial re-use"

  o Analysis by agencies and Value Added Resellers should be encouraged, to make the most of data that have been collected

Proposal 9 – To publish a list of all Approved Researchers and require the publication of the results or outcomes of research projects within a set time period.

- Over 80% of respondents supported the proposal to maintain a public record of all Approved Researchers

    o Proposal seems positive and beneficial

    o This will help ensure transparency

    o This would give researchers awareness of other work in their field

- Some respondents expressed concern at the proposal to name Individuals, and suggested that it may be sufficient to maintain a public record of their Organisation and project

- Over 70% of respondents supported the proposal to require the publication of the results or outcomes of research projects

    o Publication of outcome of research is a "public good" test

    o Would help inform future research proposals by others in the same field

    o Further access to data should be dependent on meeting these conditions

- A significant minority had concerns about the requirement to publish results, for a range of reasons.

    o There is a potentially large overhead for ONS, having to pursue users to ensure publication.

    o Commercial companies may be deterred from proceeding if results have to be published, and can be seen by their competitors

    o Some researchers within Government may require confidentiality (e.g. the House of Commons Library, who answer confidential queries for MPs to inform evidence-based policy making)

    o Researchers in Local Authorities and Central Government may have no control over publication.

2.2 Other consultation findings:

In addition to questions of these nine proposals, the consultation also asked for other comments on the Approved Researcher scheme.

- Almost 40% of respondents identified other issues with the current Approved Researcher scheme, which the proposals would not necessarily address. These concerns are in two key areas:

    o The current application and approval process is slow, which delays research projects

    o There are limited access locations for the Virtual Microdata Laboratory (the primary route for Approved Researchers to undertake their research), which do not serve the north of England.

        ▪ Current locations are: London, Titchfield, Newport (Wales), Glasgow and Belfast.

        ▪ Respondents would like more access points to be made available and/or to be able to access the service remotely from their home/office

- Almost 70% of respondents consider that the current safeguards used to protect the confidentiality of data held by ONS are appropriate

    o Most respondents who did not agree, consider that the current safeguards are too restrictive

- Around 70% of respondents agreed that, where possible, the Approved Researcher criteria should be adopted by other relevant bodies which give access to legally protected data

    o This should reduce costs for all parties

    o A consistent approach across major bodies would be helpful

2.3 Public consultation event:

A public event was held on 16th March to support this consultation exercise, which was attended by stakeholders from across the public and private sectors with a range of interests and opinions.

This event followed the structure of the consultation document, with each of the nine proposals introduced and discussed in detail, followed by an opportunity for attendees to suggest any other changes and improvements that could be made to the Approved Researcher scheme.

The views collected at the public event were consistent with those in the formal consultation responses, with strong support for most proposals in principle.

Many attendees expressed frustration that there was no consistency between how ONS and other bodies determine whether a project would serve the public good, whether data are disclosive and

in how proposals are approved. They hoped that it may be possible for a more consistent approach to be encouraged, once the Approved Researcher process and criteria had been updated.

2. 4 Meeting to discuss greater commercial use of ONS data:

As the responses to the aspects of Proposals 7 and 8, which would enable greater use of ONS data by the private sector and for commercial purposes, were polarised, with strong views on both sides, ONS held a meeting with a range of key stakeholders to explore these contrasting views in more detail.

In addition to reviewing the benefits and risks of allowing greater commercial use of these data, this meeting also gave an opportunity to discuss whether there might be alternatives to allowing such access or additional safeguards and restrictions that could be put in place.

One alternative discussed was the possibility of increasing the range of analysis that could be commissioned from ONS, to enable the analysis required without granting access to the microdata. This may meet the needs of some users, but not those who would like to "add value" to these data.

3. Outcome

- The Steering Group will consider all responses to the consultation and these will inform the final recommendations to the National Statistician

    o If the Steering Group consider it necessary, they may engage in further discussions with key stakeholders about one or more areas of this consultation and the approved research scheme
        - One such meeting was held on 7th May to discuss different views and issues concerning the proposal to allow greater commercial use of ONS data

- The Steering Group intend to make their recommendations to the National Statistician in July 2015

- Once the National Statistician has reviewed these recommendations, and decided how the Approved Researcher scheme should be updated, this information will be published on the ONS website.

Annex A: Organisations which responded

The table below includes the named organisations from which responses were received. All other responses were either from private individuals, or did not include details of their organisation.

Organisation name	
Administrative Data Research Centre - England	Local Government Association
Arts Council England	London School of Economics
Aston Business School	London School of Hygiene and Tropical Medicine
Brunel University	Market Research Society
Cardiff University	MedConfidential
CeLSIUS, Epidemiology and Public Health, UCL	Ministry of Defence
Cheshire East Council	Nash Street Holdings Ltd
City University	National Institute of Economic and Social Research
CLOSER, UCL Institute of Education	Newcastle University
Committee on Medical Aspects of Radiation in the Environment	Northumberland County Council
Competition and Markets Authority	Nuffield Department of Population Health
Demographics User Group	Nuffield Trust
Department of Statistics, University of Warwick.	Oxford Brookes University
Derbyshire County Council	Queen Mary University of London
Durham University	RSS Statistics User Forum
Economic and Social Research Council	Suffolk County Council
ELM surgery GP	University College London
Essex University	University of Bristol
Falkirk Council	University of Cambridge
Greater London Authority	University of Edinburgh
GUIDE_Care	University of Essex
Health Statistics User Group	University of Glasgow
Heriot-Watt University	University of Leicester
House of Commons Library	University of Liverpool
IER, University of Warwick	University of Manchester
Imperial College	University of Nottingham
Incomes Data Solutions	University of Oxford
Information Commissioner's Office	University of Salford
Institute for Employment Research	University of Sheffield
Institute for Fiscal Studies	University of Southampton
Institute of Occupational Medicine	University of Warwick
IOM	Urban Big Data Centre
Ipsos MORI	Vanderbilt University
ISER, University of Essex	Warrington Borough Council
King's College Hospital	Warwick Business School
Lancaster University	Whole Life Consultants Ltd

Getting in Touch

If you have any queries or comments about the consultation process, please email Simeon Bowen at ons.communications@ons.gsi.gov.uk or call 0845 601 3034.

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For further information on ONS consultations, please visit http://www.ons.gov.uk/ons/about-ons/get-involved/consultations/index.html

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