



**LUNDS**  
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# **Right to Privacy:**

## **The Case of Mikrozensus in Austria**

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# Abstract

This essay studies the term privacy and its relation with the Mikrozensus survey, which is a survey conducted in Austria, amongst other countries, and forces chosen respondents by law to be part of the study. For the purpose of this essay, the questionnaire used for the Mikrozensus study published by Statistik Austria, which is the responsible institution for the survey, has been analysed using a content analysis in addition to a concept analysis of the term privacy. The theoretical frame on the subject of privacy is based on Raymond Wacks views. Further EU law and especially Article 8 of the European Convention on Human Rights form the legal framework of the study.

The main results of the study show that privacy is a very broad term, difficult to define clearly since it's meaning differs from culture to culture, person to person and over time. In the legal sense privacy cannot be used very specifically, but instead it's meaning is built up over time with the help of legal cases concerning privacy. But the ECHR Article 8 (1) does state that generally everyone has the right to respect for his/her private life. The Mikrozensus is conducted without keeping the individuality of the privacy term in mind. Therefor the Mikrozensus study does not have its place in the discussion on privacy as a human right. It becomes clear that questions about matters classed as private in the communication between individuals are not necessarily so in communication between individuals and the state. Finally, this study points towards that the Mikrozensus survey in Austria is based on law, but breaches can be observed.

*Key words:* Privacy, Mikrozensus, Austria, ECHR Article 8, statistics, data protection

# Sammanfattning

Denna uppsats undersöker termen privatsfär och dess relation till Mikrozensus studien. Mikrozensus är en statistisk undersökning som i likhet med många andra länder genomförs i Österrike, där den valda respondenten enligt lag tvingas att svara på de ställda frågorna. Denna studie baserar på en undersökning av enkäten som används för Mikrozensus studien, som givits ut av Statistik Austria, institutionen som ansvarar för studien. Undersökningen har gjorts i form av en innehållsanalys av enkäten i tillägg till en begreppsanalys av termen privatsfär. Uppsatsens teori baserar på Raymond Wacks syn på privatsfär. Vidare utgör EU lagstiftning och speciellt artikel 8 av Europeiska Konventionen om skydd för de mänskliga rättigheter studiens juridiska perspektiv.

Studien visar att termen privatsfär har en mångfald av betydelser. Den är svår att definiera entydigt, eftersom dess betydelse varierar mellan kulturer, mellan individer och över tid. Det är en utmaning att stifta specifika omfattande lagar om privatsfär. I stället för att ha en specifik juridisk tolkning av termen byggs lagstiftningen kring begreppet upp över tid i takt med att domar fälls från fall till fall. Men ECHR artikel 8 (1) ger den generella regeln att alla har rätten till respekt för privatsfären. Mikrozensus studien tar inte termens mångfald i beaktande. Därför passar studien inte in i diskussionen om privatsfär som mänsklig rättighet. Det blir tydligt att det finns en skillnad i tolkningen av privatsfär beroende på om den är på interpersonell nivå eller om det är fråga om relationen mellan stat och individ. Avslutningsvis kan konstateras att studiens resultat pekar på att Mikrozensus studien i Österrike är lagbaserad men att lagen dock inte följs fullt ut.

*Nyckelord:* Privatsfär, Mikrozensus, Österrike, ECHR Artikel 8, statistisk undersökning, dataskydd

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# 1. Introduction

Privacy is an area in society which is much spoken and thought about in our time. Many people feel that the discussion on a private sphere is unnecessary. They feel that they have nothing to hide, and share their whole lives on the internet without any concern. On the other hand there is another group of people, who feel they have a right to a private sphere, a place where they can be and take off their social mask and where no intruder has access. Legislation exists on the matter of privacy, but the term is hard to define and implementation often done on a case to case basis.

When starting out on this essay I had a clear picture of what privacy is, but that was only my own perception of the term. In this essay my goal has been to find and explain the different dimensions of the term and see how it can be seen from the Austrian point of view through the questionnaire of the Mikrozensus study (see chapter 1.1) conducted in the country. This has been done keeping in mind its importance as a human right.

In chapter one I will introduce the Mikrozensus study in Austria, which will be matter of this essay. After that the thesis statement, the aim of the study and the research questions will be presented. Furthermore, in this first chapter the source material will be discussed. The second chapter will give the reader a description of the legal framework, the theory and the method used in order to conduct this study. In chapter three previous research on the main topics of this essay: privacy and statistics will be presented. Chapter four will give a presentation of the survey, while its results will be presented and discussed in chapter five. Finally chapter six will present conclusions drawn from this study.

## 1.1. The Mikrozensus study in Austria

The Mikrozensus is an official statistical sample survey which provides representative

data for the population in a nation. For example in Germany 1% of the country's households, in Austria 0,6% of households are included in each study cycle. They are selected by a random sample in different geographical areas of the countries. All members of the households chosen are required to answer an interviewers questions (which stem from the questionnaire of this study), but it is also possible for one person of the household to respond to all of the households' persons questionnaires.<sup>1</sup>

In Austria the first interview of each household will be realised by a home visit of the interviewer, which is employed by the statistical office in Austria "Statistik Austria". The following interviews will normally be conducted as telephone interviews, in case the household is willing to reveal their telephone number. In Austria questionnaires are only sent to people to be filled out by them without the guidance of a person from the statistical bureau, if this is explicitly asked for and if it is considered appropriate by Statistik Austria.<sup>2</sup>

The questionnaire of the Mikrozensus in Austria consists of over 100 questions concerning some of the persons demographic facts, his/her working situation, his/her education and his/her housing situation. Finally the last page gathers information on the name and address of the respondent, amount of persons living in the household, telephone number, date of birth, gender and relations to the other residents of the household. Answers to the questions on peoples demographic facts, education and working situation are further reported on to the EU.<sup>3</sup>

If the questionnaire as a whole is not answered, if wrong answers are given or if obligatory questions are left unanswered, the person in question is threatened with a fine. There is no clear document explaining how the fining system works, but according to Austrian law, fines will amount up to 2180 EUR. In addition, paying the fine will not free the person from the legal obligation of answering the questions. And further the same household will be part of the study for five times (every three

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<sup>1</sup> Statistik Austria, Bundesanstalt Statistik, [www.statistik.at](http://www.statistik.at), retrieved: 12.12.2016; Destatis Statistisches Bundesamt, *Der Mikrozensus stellt sich vor*, [www.destatis.de](http://www.destatis.de), retrieved: 03.01.2017

<sup>2</sup> Gumprecht, Daniela, "Effekte der Erhebungsmethode im österreichischen Mikrozensus", *Austrian Journal of Statistics*, Volume 39, Number 1 & 2, 2010, pp.127-137

<sup>3</sup> "Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community"; *Official Journal of the European Communities*, 9 March 1998, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998R0577&from=EN>, retrieved: 15.12.2016; Statistik Austria, Bundesanstalt Statistik, [www.statistik.at](http://www.statistik.at), retrieved: 12.12.2016

months).<sup>4</sup>

This study will investigate Austria, as one example of a country legally obliging its population to answer a statistical survey consisting of more or less private questions. Relevant background information about the Mikrozensus was in certain aspects available more readily on the situation in Germany, which is another example for a country coercing its population to be part of a statistical study. In some rare cases Germany has been stated as a further example, but the primary material and main points made consist of a document produced and regarding the situation in Austria. (see chapter 1.3.1)

## 1.2. Thesis statement, aim of the study and research questions

Statistical information is gathered in an amount of studies around us and we are frequently told, that studies conducted are important for improving our lives. Many of us enjoy being part of studies, especially if the topic is one we are interested in. The difference between typical research projects and the Mikrozensus study, is that participating usually is voluntary. As stated in Bryman:

Fundamental ethical principles concern voluntariness, integrity, confidentiality and anonymity for people directly involved in a research study. [...] Informed consent. The participants to a study have the right to decide for themselves whether they agree to be part of the study.<sup>5</sup> (translation by the author)

Contrary to this common standard it is obligatory for the chosen respondent of the Mikrozensus study in Austria to answer the questions asked.

Legislation exists on privacy as well as on gathering and sharing private information on people. Respect for private and family life is further explained to be a

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<sup>4</sup> Leshem, Markus, *Umfrage ohne jede Gnade*, [www.meinbezirk.at](http://www.meinbezirk.at), retrieved: 15.12.2016; Bundeskanzleramt Rechtsinformationssystem, Bundesstatistikgesetz 2000 § 66, 01.01.2002, [www.ris.bka.gv.at](http://www.ris.bka.gv.at), retrieved: 15.12.2016; Statistik Austria, Bundesanstalt Statistik, [www.statistik.at](http://www.statistik.at), retrieved: 12.12.2016

<sup>5</sup> Bryman, Alan, *Samhällsvetenskapliga metoder*, Malmö : Liber, 2011 (Spanien), pp.131-132

human right.<sup>6</sup> The aim of this study is to have a look at part of this legislation. Since it is not voluntary to participate in the Mikrozensus study, a further aim of this study is to see if and how the privacy aspect is respected in the Mikrozensus study. Especially in later years, there seems to have been little research conducted around the legitimacy of conducting such a large population survey under coercion and further the privacy aspect. This study is aiming at filling this gap.

The research questions are:

- What is the relation between Austrias legal promises to protect its citizens private sphere and the Mikrozensus study and questions it asks the population?
- How and where does the Mikrozensus study fit into the theoretic discussion on privacy as a human right?
- Can the Mikrozensus survey be seen as a breach of peoples rights to privacy and if so in which ways?

### 1.3. Source material

Some form of population survey has been conducted since the 1950:s in Germany and Austria. From the beginning the main aim has been to count the size of the countries population. In other words a vast amount of material surrounding the subject "Mikrozensus" exists. For my survey the primary source consists of a document directly in use for the Mikrozensus study and the secondary sources contain material regarding aspects of privacy and statistical methods.

#### 1.3.1. Primary- and secondary sources

The primary source of this study consists of the questionnaire which the Mikrozensus study is based on. The questionnaire has been used the first time a household has been

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<sup>6</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, E.T.S. No. 5, 4 November 1950, Art. 8;  
European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, art. 7

interviewed in the last quarter of 2016<sup>7</sup>. This document has been chosen for my study, since it can be seen as a direct link to the Mikrozensus study, it's contents and it further reflects Statistik Austrias overall view on privacy.

The questionnaire will be regarded from the aspect of peoples privacy and also in order to be able to draw conclusions about the aspect of legitimacy of the statistical study. It gives a clear picture about what the Mikrozensus study actually consists of and wants to find out and in this way gives a deep knowledge of the study. It consists of 19 pages and over 100 questions, of which many consist of several parts. The questionnaire is divided into four parts. The first part consists of demographical questions including questions about the nationality, children and parents of the respondent. The second part consists of questions about occupation and education such as working hours, absence from work, unemployment, level of education and much more. The third part looks into the living and housing situation of the respondent, with questions about the property, the standard and size of the housing etc. Finally with the last page the address, title and names of persons living in the household, their dates of birth, gender, relation to the respondent and similar information are gathered. The questionnaire for the last quarter 2016 is here regarded, which makes the document it very current. The main reason for choosing this document as the primary material is to look into the legitimacy of the Mikrozensus study with the help of this document from a privacy perspective.

The secondary sources will be presented in chapter 3. It consists of literature about the aspects of privacy and statistical surveys.

### 1.3.2. Validity of the source material

The primary source — the questionnaire — is the latest version available and has been used during the last quarter of the year 2016. The document is relevant for this study, since it has been published by the statistical bureau in Austria which has been commissioned by the Austrian state to conduct the study. It can therefor be seen as a relevant and valid document for the purpose of this study.

The secondary sources consist of literature both concerning the Mikrozensus

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<sup>7</sup> The name of the questionnaire is: "Personenfragebogen 4. Quartal 2016 Erstbefragung". It is available for download on the internet page [www.statistik.at](http://www.statistik.at)

sus in Germany and Austria. The reason for this is that literature on the subject concerning Austria could not always be found and therefore the search for literature was widened. In addition general literature on privacy and statistics, also stemming from other parts of the world, have been used, with the goal to concentrate on literature produced in and about Europe. For investigating the aspects of privacy and its legitimacy literature, which relates to different views — from opinions of the public to the author of this essay theory and further to legal documents — opinions from all around the world were taken into consideration. A relation to the aspect of statistical studies was selected and used where possible, but not always available.

My search of literature focused on recent material, but in some cases literature, which has been written several decades ago was accepted, due to lack of newer material and their relevance, despite their age. Internet sources were used primarily in the case recent material was of high importance. For example the primary material has been downloaded from the internet in order to have access to up to date material. Books have been used to give solid background information on the different topics. This background has been completed with scientific articles and reports and legal documents, in order to be able to give a comprehensive description of the topics. Of some books only a certain smaller part has been used, since not the book as a whole necessarily was relevant for this essay. The parts selected were of importance to this study, which is the reason why I, in spite of this circumstance, decided to use them.

### 1.3.3. Limitations

The Mikrozensus study is conducted also in other European countries, but in order to limit the scope of this study, a document used in Austria has been chosen. Furthermore, the Mikrozensus study in Austria is normally conducted by home visit or phone call, but only as an exception by post. This is seen as an interesting aspect by the author and judged to have an influence on the study and its results.

## 2. Theory and Method

This study looks at the aspect of privacy in order to be able to grasp its connection to the Mikrozensus study in Austria. This will be done by using a concept analysis according to Walker and Avant on the term privacy and to focus on the Austrian view a content analysis of the primary material will be done. The legal view in the form of EU law and especially ECHR Article 8 on privacy will constitute the legal framework of this study, used in order to look closer at Austrias view (within Europe and the EU) on privacy. The theory is based on Wacks description of the term privacy. A description of first the legal framework, next the theory and finally the methods will be presented in the following three chapters below.

### 2.1. Legal Framework

In Europe there are two intergovernmental organisations who have legislative power: the EU and the Council of Europe. These therefor also have an influence on European Human Rights law. Austria being a member of both the EU and the Council of Europe is obliged to follow the legislation of both. Below an introduction on the legislation and articles concerning privacy will be given.

The Council of Europe was founded after the second world war and from the beginning was concerned about the protection of Human Rights. In 1950 The Council of Europe drafted the European Convention on Human Rights (ECHR) and when it came into force in 1953 the European Court of Human Rights was established.<sup>8</sup> Article 8 of the ECHR gives a general international legal guideline on privacy, or more specifically private life, expressed in following words:

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<sup>8</sup> Moeckli, Daniel, Shah, Sangeeta, Sivakumaran, Sandesh & Harris, David J. (eds.), *International human rights law*, n.p.: Oxford : Oxford University Press, cop. 2014, pp.416-417, 422

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.<sup>9</sup>

The first part of the article suggests that everybody has a right to privacy. The second part though formulates an exception for authorities who act according to the law and additionally have strong reasons which lead to improving its citizens lives. To get a better understanding of the article Roagna<sup>10</sup> and her explication of article 8 of the ECHR has been consulted. She expresses, that in the European Union this article is viewed differently by different nations, since there exists no consensus on the exact meaning of the term privacy or in its wider meaning private life. Cultural and social differences exist in views on the issue in the different countries.<sup>11</sup> Roagna states at the beginning of her work that:

The purpose of the right under examination is “to protect the individual against arbitrary action by the public authorities”.<sup>12</sup>

This directly explains how it is relevant to this essay, where possible intrusion on the sphere of privacy by an institution, part of the Austrian state, is analysed. Up to date, amongst others, following issues have been regarded as private life by the Court:

[...] bearing a name, the protection of one’s image or reputation, awareness of family origins, physical and moral integrity, sexual and social identity, sexual life and orientation, a healthy environment, selfdetermination and personal autonomy, protection from search and seizure and privacy of telephone conversations.<sup>13</sup>

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<sup>9</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, E.T.S. No. 5, 4 November 1950, Art. 8

<sup>10</sup> Ivana Roagna, criminal defence lawyer and human rights/rule of law expert.

<sup>11</sup> Roagna, Ivana, *Protecting the right to respect for private and family life under the European Convention on Human Rights*, Council of Europe human rights handbooks, Council of Europe, Strasborg, 2012, p.7

<sup>12</sup> Roagna, I., 2012, p.9

<sup>13</sup> Roagna, I., 2012, pp.12-13

The EU was from the beginning founded in order to preserve socio-economic and political interests in and between the countries of Europe. Peace between European states was another important factor in the emergence of the EU, but the importance of Human Rights has received emphasis within the Union only in later years. With the Treaty of Lisbon in 2009 the Charter of Fundamental Rights of the European Union became legally binding.<sup>14</sup> In respect to privacy the articles 7 and 8 can be found in the Charter:

Article 7

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

Article 8

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

3. Compliance with these rules shall be subject to control by an independent authority.<sup>15</sup>

It becomes clear, that EU laws on Human Rights partly overlap with the ECHR, but are written in different terms.

## 2.2. Theory

The theory of this essay is based on Raymond Wacks views. Wacks is an Emeritus Professor of Law at the University of Hong Kong and he is a specialist in the area of privacy.<sup>16</sup> This is one reason for choosing his views for my theory. Further he gives a very thorough view on privacy, explaining the multifacetedness of the term and it's changing nature over time and from person to person. Wacks, in accordance with the view by Rognagna, suggests that what is regarded as private differs between cultures and also laws

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<sup>14</sup> Moeckli, D., Shah, S., Sivakumaran, S. & Harris, D. J. (eds.). 2014, pp.435-437

<sup>15</sup> European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, art. 7, 8

<sup>16</sup> Faculty of Law, The University of Hong Kong, [www.law.hku.hk](http://www.law.hku.hk), retrieved: 15.12.2016

concerning privacy accordingly differ.<sup>17</sup> He also contemplates, whether intrusion into a persons privacy actually is a problem, and in this case why. Further he discusses what privacy actually is:

At the most general level, the idea of privacy embraces the desire to be left alone, free to be ourselves—uninhibited and unconstrained by the prying of others. This extends beyond snooping and unsolicited publicity to intrusions upon the ‘space’ we need to make intimate, personal decisions without the intrusion of the state.<sup>18</sup>

So on the one hand privacy is very important to individuals, due to reasons mentioned in the citation above, amongst other things to feel free. But Wacks points out that there are both positive and negative sides to the reduction of privacy due to state action. Some of the negative points are that our psychological and emotional autonomy is infringed upon and thereby weakened. We can feel uncomfortable, when knowing that our personal information may be in more or less lawful hands. On the other hand information on the population is gathered in order to decrease terrorism and other unlawful behaviour. We are told, that the more control the state has over the population, the safer we can feel. For example the installation of video surveillance in dark areas of the city can ensure walking there safely also in the dark times of the day. On the other hand we may feel controlled, unable to act natural when we know that we are being watched.<sup>19</sup>

Further Wacks discusses the evolution of the private sphere and its value. In the time of the Roman Empire privacy was not seen as a very positive matter. Instead people who had privacy were missing out on something, not able to take part in public life. This changed and by the end of the Roman Empire privacy had been identified as the intimate sphere. After developing further during history finally a juridical distinction was attained between the private and public sphere:<sup>20</sup>

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<sup>17</sup> Wacks, Raymond, *Privacy: A Very Short Introduction*, [Electronic resource], Oxford University Press, 2015, pp.44-46

<sup>18</sup> Wacks, R., 2015, pp.34-35

<sup>19</sup> Wacks, R., 2015, p. 34

<sup>20</sup> Wacks, R., 2015, pp. 35-37

One of the central goals of nineteenth-century legal thought was to create a clear separation between constitutional, criminal, and regulatory law—public law—and the law of private transactions—torts, contracts, property, and commercial law.<sup>21</sup>

This is when the private sphere from a juridical point of view has made its final step into society. It can be claimed, that where it is accepted, that a private sphere exists on the other hand also a public sphere can be identified. Both can be seen as the relation with society to a higher or lower degree. But does privacy have any value? Wacks explains:

[...] In liberal democratic theory, privacy stakes out a sphere for creativity, psychological well-being, and our ability to love, forge social relationships, and promote trust, intimacy, and friendship.<sup>22</sup>

In other words it can be argued, that we all from time to time need privacy, a place to remove the social mask from our face. On the other hand it is argued that only an individual who has issues to hide has a need for privacy. The right to privacy can lead to very harsh conditions inside this private sphere in case it is misused for abuse of family members. In other words crimes can be hidden away in the private sphere and the state has no chance to protect the victims.<sup>23</sup> Wacks concludes:

The value of privacy as a general moral, political, or social value is undeniable, but the more the notion is stretched, the greater its ambiguity.<sup>24</sup>

Further Wacks discusses the boundaries for breach of privacy. Is it enough that I feel there may be a possibility that I am being watched, or must I be watched in order for me to note, that an intrusion to my privacy has occurred? Or what about if we are not aware of a camera that records us? If we will never know that data about us has been gathered and possibly shared, is it an intrusion upon our privacy?<sup>25</sup> And what is private information anyway? Different definitions of privacy and private information concentrate on various factors. It is in other words very difficult to define privacy com-

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<sup>21</sup> Wacks, R., 2015, p. 37

<sup>22</sup> Wacks, R., 2015, p. 38

<sup>23</sup> Wacks, R., 2015, pp. 38-40

<sup>24</sup> Wacks, R., 2015, p. 42

<sup>25</sup> Wacks, R., 2015, pp. 1-3

pletely. This is further so due to the fact that the same information feels more or less private depending on the situation we are in and the persons surrounding us. Information we are ready to share with our family we may not want to share with our boss or a total stranger.<sup>26</sup> In short Wacks states:

Certain kinds of information about a person, such as information relating to health, personal relationships, or finances, may be easy to identify as private; as may certain kinds of activity, which a reasonable person, applying contemporary standards of morals and behaviour, would understand to be meant to be unobserved.<sup>27</sup>

Here we can see that according to Wacks certain aspects of private material can clearly be defined while other types of information are based on which society we belong to and our moral values.

## 2.3. Method

The method of this essay consists of two parts. First the term privacy is analysed using a concept analysis. Further, in order to receive a deeper view on the Austrian view on the privacy aspect, the primary material is read using a content analysis. The methods will be explained more thoroughly in the two following sections.

### 2.3.1. Concept analysis

Before looking at privacy with the help of Walker and Avant the term *concept* must be explained. According to Bryman a concept is a good basis from where a study of society can be begun. Concepts can be defined as "categories for organising ideas and observations".<sup>28</sup> Concepts can normally be measured in some way and in this way explain social reality. For example attitudes, changes and geographical differences can be described with the use of concepts.<sup>29</sup>

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<sup>26</sup> Wacks, R., 2015, pp. 42-48

<sup>27</sup> Wacks, R., 2015, pp. 60

<sup>28</sup> Bryman, A., 2011, p. 154

<sup>29</sup> Bryman, A., 2011, p. 154

The concept analysis of the term privacy in this essay is based on Walker and Avant.<sup>30</sup> This basis for the method has been chosen because of the complex nature of the term which with the help of this method consisting of eight steps can be broken down. The steps of the method are the following: Steps 1 and 2 include determining the concept to be regarded and the aim of the analysis. Steps 3 and 4 include identifying the use of the concept and its defining attributes. Steps 5 and 6 include the identification of a model, borderline, and contrary case. Step 7 includes identifying the antecedents and consequences. Finally in the step 8 the empirical referents are defined.

As mentioned earlier privacy does not mean the same for everybody and further encompasses of different aspects depending on the relationship between two parties. With the help of Walker and Avant the aim is to distinguish between the different aspects and find out how their differences have emerged over time.

### 2.3.2. Content analysis

Content analysis is a useful method if a written text is to be examined in order to find striking elements which have a specific influence on the reader. These are usually included by an author on purpose for example in order to convince a reader of a certain opinion. The content analysis can be used to analyse any form of text and can be seen as a kind of observational technique. Normally text or speech from archival sources are used in order to have the possibility to analyse them thoroughly.<sup>31</sup>

The first step in a content analysis is to choose the text to be analysed. This is an important step, since it will define the quality of the analysis. Next the text should be read carefully in order to be able to design a system of coding specifically for the document to be analysed. Coding here means that the contents of the text will be divided into suitable categories which will be given codes in the form of numbers, words, sentences, phrases or themes.<sup>32</sup> Passages of the text will then be categorised according to these codes. Categories, events, items and behaviour can be studied in the

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<sup>30</sup> Walker, Lorraine Olszewski & Avant, Kay Coalson Avant, "Concept analysis", In L. Walker & K. Avant (Eds.), *Strategies for theory construction in nursing* (4th ed., pp. 63–84), Norwalk, CT: Appleton & Lange, 2005

<sup>31</sup> Bordens, Kenneth S. & Abbott, Bruce B., *Research design and methods : a process approach*. n.p.: New York : McGraw-Hill, 2005, pp.217-218

<sup>32</sup> Bordens, K. S. & Abbott, B. B., 2005, p.219

text and given codes according to the coding system chosen. When deciding on the coding system it is important to define the categories chosen clearly keeping the research question in mind. The categories should further:

reflect the purposes of the research, be exhaustive, be mutually exclusive, be independent and be derived from one classification system.<sup>33</sup>

The variables chosen to be categorised in this essay are *value of the variables, text style and document type* (for example the size of a header), *content* (for example the topic discussed) and *other*. It is useful to introduce a "other" category in order to be able to include all the variables of interest, even the ones which do not happen to suit into the given categories.<sup>34</sup>

Sometimes it can be difficult to decide which category part of the text belongs to and it could be coded as several different categories. This can be solved by including the item into each category it fits into, so it can be analysed according to its full content of meaning. Another possibility is to weight the different meanings against each other and decide which is the overweighing content in order to code it according to that specific category.<sup>35</sup>

Now that the codes are defined the elements included in every category can be identified in the text. They can then be recorded according to the number of their occurrence in the text or according to how much space they are given. Upon finding elements of interest they must be interpreted and placed into the suitable category. It is very important that the rules which have been decided on from the beginning regarding the coding is followed carefully at this stage.<sup>36</sup>

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<sup>33</sup> Bordens, K. S., and Abbott, B. B., 2005, p. 218

<sup>34</sup> Esaiasson, Peter, *Metodpraktikan : konsten att studera samhälle, individ och marknad*, n.p.: Stockholm : Norstedts juridik, 2007, pp. 230-231

<sup>35</sup> Esaiasson, P., 2007, p. 234

<sup>36</sup> Esaiasson, P., 2007, pp. 223-224

## 3. Literature review of previous research

Previous literature on privacy and the gathering of statistical information as well as data administration has been reviewed in order to give the background to this study. Below the literature will be presented, beginning with discussions on privacy and finally presenting information on statistics and data administration.

### 3.1. Privacy

Additionally to the theory used in this work, which is based on Wacks, a general background on privacy is given by the book *Privacy: The Lost Right* by Jon. L. Mills.<sup>37</sup> Mills is Dean Emeritus, Professor of Law at the University of Florida Levin College of Law. In his book he discusses the changes of privacy in the modern world. It is fairly simple for individuals and institutions to breach peoples privacy these days, with the technical instruments available in todays world. But Mills clarifies:

Privacy is an integral part of the amalgamation of values that define a healthy society. Specifically, privacy promotes individuality, intimacy and liberty.<sup>38</sup>

Autonomy and freedom are important to people, this is why many in privacy see a basic right. Still compromises must be made by individuals, due to requirements from for example governments.<sup>39</sup> Mills notes, that privacy means different things to different individuals. At large it can be stated that:

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<sup>37</sup> Mills, Jon L., *Privacy: The Lost Right*, Oxford [UK]: Oxford University Press, 2008, p. 307

<sup>38</sup> Mills, J.L., 2008, p.26

<sup>39</sup> Mills, J.L., 2008, pp.14-15

The absence of privacy is the loss of control of one's identity, living space, conduct, dress and hairstyle, personal information, and thoughts.<sup>40</sup>

To give a more locally Austrian perspective on privacy Eggers<sup>41</sup> view will complement the above. In her book *Datenschutz versus Informationsfreiheit* (data protection versus freedom of information, authors translation) she mentions following problems for privacy when the power of technology takes a position of growing importance in society: An increasing amount of information exists and can be controlled by powerful institutions. Furthermore information gathered separately can later be cross referenced by the use of computers in order to combine information about people which in the first place were not supposed to be regarded together. In addition the information gathered and the combination of information from different sources can be used and manipulated by skilful individuals, who can access information not meant for them, without leaving any traces.<sup>42</sup> In other words statistical information gathered and stored is exposed to malicious attacks by outsiders, but can also by the authority responsible for gathering it be misused for example in case of future unexpected circumstances.

Further Eggers mentions Alan Westins definition of the term privacy:

the claim of an individual, a group or an organisation [...] to be able to determine when, where and to what extent personal information will be passed on (translation by the author).<sup>43</sup>

She adds, that privacy is the sphere into which no intrusion is accepted by an individual. She explains further that privacy is the sphere which not is public and that this division stems from the greek city state. There the private sphere in a simple way was seen as everything that happens inside the home. Later on the division between private and public was used as a differentiation between state and society. Society was then further divided into the worklife and family, where the latter became the area of privacy and intimacy. With the advancement of technology the private sphere became increasingly vulnerable. This has reached its culmination with the increasing use of computers where

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<sup>40</sup> Mills, J.L., 2008, pp.25-26

<sup>41</sup> Edeltraud Egger (today Edeltraud Hanappi-Egger) is Doktor of Computer Science and has been teaching at the Univeristy of Technology in Vienna and is since 2015 principal of the University of Economics and Business in Vienna

<sup>42</sup> Egger, Edeltraud, *Datenschutz versus Informationsfreiheit*, München; Wien: Oldenburg, 1990, pp.22-23

<sup>43</sup> Egger, E., 1990, p. 47

specific information about specific persons can be attained quickly. The awareness, that data protection laws are needed came far later.

Further, the description of privacy by Gergely<sup>44</sup> will be included in this chapter. In his book *Überwachungsstaat Österreich* (surveillance state Austria, translation by the author) he explains that it is difficult, if not impossible to define privacy. This is due to the fact that the word means different things to different individuals and furthermore its interpretation changes over time. In accordance with Egger he also sees the origin of the term as the division between state and the autonomy of individuals. Basically, he explains, individuals are willing to share personal information with other people. But the important point in the procedure is the freedom in the action: being able to choose which information is exchanged with whom. Gergely mentions that this freedom of choice is taken away from the individual in the case of the Mikrozensus. He also has a short discussion on what information can be classed as "sensitive". Generally speaking areas included are religion and belief, health issues and ownership and property. More specifically information on name, date of birth, address, gender, information on income, personal assets, lifestyle habits etc. are included in this category.<sup>45</sup> Finally an important point is made by Gergely: "The Computer does not forget."<sup>46</sup>

The difficulty of uniting the arguments in favour of using private information and ones against are shown in the article by Taylor. On the one hand with the information on for example peoples location and other details they can be rescued from epidemics. On the other hand it is against privacy laws to pass on private information without the consent of the individual. For with the help of information on peoples location at different times it is possible to reveal their age, gender and much more by skilful analysis of the details.<sup>47</sup>

Also it can be mentioned that information on privacy and jurisdiction in this area often concerns private people. Less material gives a clear description on the

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<sup>44</sup> Stefan M. Gergely, Doctor of organical chemistry and has been working as a science journalist and author

<sup>45</sup> Gergely, Stefan M., *Überwachungsstaat Österreich? : der Mensch im Würgegriff des Computers*, Wien : Verlag Orac, 1984, pp.27-29

<sup>46</sup> Gergely, S. M., 1984, p.38

<sup>47</sup> Taylor, Linnet, 2016, "The ethics of big data as a public good: which public? Whose good?" *Philosophical Transactions Of The Royal Society A: Mathematical, Physical & Engineering Sciences* 374, no. 2083: 1-13.

states obligation on preserving individuals rights of privacy. One example is the following addition to the Austrian law on the protection of privacy:

1.b the right to the protection of the private sphere:  
§ 1328a. (1) Someone who is guilty of intruding into another persons private sphere in a way prohibited by law or revealing or using facts about the private sphere of a person must replace this person for the damage resulting from the action [...] (translation by the author)<sup>48</sup>

Here the unlawful intrusion upon an individuals private sphere is described to be an offence. But there is no clear description on what is considered private nor who the law explicitly addresses.

Further the law on data protection in Austria states the following:

#### Fundamental Right to Data Protection

§ 1. (1) Everybody shall have the right to secrecy for the personal data concerning him, especially with regard to his private and family life, insofar as he has an interest deserving such protection. Such an interest is precluded when data cannot be subject to the right to secrecy due to their general availability or because they cannot be traced back to the data subject [Betroffener].

(2) Insofar personal data is not used in the vital interest of the data subject or with his consent, restrictions to the right to secrecy are only permitted to safeguard overriding legitimate interests of another, namely in case of an intervention by a public authority the restriction shall only be permitted based on laws necessary for the reasons stated in Art. 8, para. 2 of the European Convention on Human Rights (Federal Law Gazette No. 210/1958). Such laws may provide for the use of data [Verwendung von Daten] that deserve special protection only in order to safeguard substantial public interests and shall provide suitable safeguards for the protection of the data subjects' interest in secrecy. Even in the case of permitted restrictions the intervention with the fundamental right shall be carried out using only the least intrusive of all effective methods.<sup>49</sup>

This law states that an individuals personal data must be protected, but that this protection can be demanded only in the case it does not concern data where a certain person cannot be identified. The second part explains that personal data may be used only if it can be of help to save the person in question if s/he is in a life threatening situation.

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<sup>48</sup> Mohr, Franz, Allgemeines Bürgerliches Gesetzbuch (17. Aufl., Stand 1.10.2012 ed., Kodex des österreichischen Rechts. Taschen-Kodex). Wien: LexisNexis, 2012, § 1328a. Recht auf Wahrung der Privatsphäre

<sup>49</sup> Pollirer, Hans-Jürgen, *Datenschutzgesetz 2000 (DSG 2000) : Samt ausführlichen Erläuterungen (2. Aufl. ed., Vol. Nr. 115, Ed. 2, Manzsche Gesetzausgaben. Sonderausgabe)*, Wien: Manz, 2014, Artikel 1, § 1 (1), (2); Version of translation into English: Österreichische Datenschutzbehörde, Archiv, *Austrian Laws and Ordinances, Datenschutzgesetz 2000 - DSG 2000*, <http://archiv.dsb.gv.at/site/6274/default.aspx>, retrieved: 07.01.2017

Also if the person gives his or her approval the data may be used. In any other situation, including an action by the state, the ECHR Article 8 must be followed. It can be mentioned that this law has included the state as an actor. In the Austrian law on data protection three types of data according to their privacy status are identified:

- (1) "Personenbezogene Daten" (personal data, translation by the author) is personal data with which a person can be identified. It includes all data about private persons including private, professional, economic information, traits, knowledge and physiological traits.
- (2) "Indirekt Personenbezogene Daten" (indirectly personal data, translation by the author) is personal data which does not directly identify a person, as long as legal methods are used, in other words encrypted data.
- (3) "Sensible Daten" (sensitive data, translation by the author) is personal data that is especially sensitive, such as for example information about a private persons racial and ethnic origin, political views, labor union, faith, health and sexual preferences.<sup>50</sup>

Finally two case judgements regarding a person, who denied his answer to the Austrian Mikrozensus study in the form of personal or telephone interview, has been regarded. The person in both cases requested to answer the questionnaire in writing and requested Mikrozensus Austria to send it to him by post. Both cases were ruled in 2014 and the convicted was ordered to pay a 100 respectively 140 EUR fine, since it was found that he had not acted according to the Statistic law in Austria.<sup>51</sup>

## 3.2. Statistics and data administration

According to the literature studied, statistics have been gathered for thousands of years. But with the gathering of statistical information with the help of computers it has become a greater challenge to secure the data, so it will not spread to receivers who it is

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<sup>50</sup> Pollirer, Hans-Jürgen, *Datenschutzgesetz 2000 (DSG 2000) : Samt ausführlichen Erläuterungen (2. Aufl. ed., Vol. Nr. 115, Ed. 2, Manzsche Gesetzausgaben. Sonderausgabe)*, Wien: Manz, 2014, Artikel 2, § 4 1., 2.

<sup>51</sup> Bundeskanzleramt Rechtsinformationssystem (Landesverwaltungsgericht Tirol), *Mikrozensusstichprobenerhebung*, [www.ris.bka.gv.at](http://www.ris.bka.gv.at), retrieved: 15.12.2016;  
Bundeskanzleramt Rechtsinformationssystem (Landesverwaltungsgericht Wien), *Auswahlmessen der Bundesanstalt Statistik Österreich ob die Befragung persönlich, telefonisch oder schriftlich durchgeführt wird*, [www.ris.bka.gv.at](http://www.ris.bka.gv.at), retrieved: 15.12.2016

not meant for. Graf<sup>52</sup> explains, that in Europe with the EU data began to be transmitted also outside of countries borders. This is where securing personal data became increasingly important. Austria regulated its law on data administration in 1978. Since then the law has been further adjusted in order to be compatible with commitments within the EU and to assure the same rights to all EU citizens.<sup>53</sup> The Austrian data protection law states that personal data must be stored and transported in a way that secures that an individuals identity cannot be identified using legal methods.<sup>54</sup>

The book *Big Data, and the Public Good: frameworks for engagement* presents the international background on statistics for this chapter.<sup>55</sup> As the title implies, the book concentrates on big data. The editors and authors of the book are working with science and research within the fields of economics, law and statistics. For this reason the book can be seen as a credible source for this essay. The book gives an insight into legislation in the USA and Europe and discusses possibilities and the need for protection of people's privacy in relation to statistical studies. Also possible advantages and disadvantages surrounding the gathering of big data is discussed. Big data is described as follows:

Big Data [is described] in terms of three V's: volume, velocity, variety. The data is too big to process with current tools; it arrives too fast for optimal storage and indexing; and it is too heterogeneous to fit into a rigid schema.<sup>56</sup>

The first strong position which can be found in the book introduced above, is the claim that it is important to produce statistics, which provide the population of nations with significant advantages. No profound description of these advantages are

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<sup>52</sup> Wolfgang Graf, lawyer in Vienna and lecturer at the Wiener Neustadt College

<sup>53</sup> Graf, Wolfgang, *Datenschutzrecht im Überblick*, Wien: Facultas, wuv, 2010, pp.9-10

<sup>54</sup> Pollirer, Hans-Jürgen, *Datenschutzgesetz 2000 (DSG 2000) : Samt ausführlichen Erläuterungen (2. Aufl. ed., Vol. Nr. 115, Ed. 2, Manzsche Gesetzausgaben. Sonderausgabe)*, Wien: Manz, 2014, Artikel 2, § 4 1.

<sup>55</sup> Lane, Julia, Stodden, Victoria, Bender, Stefan, & Nissenbaum, Helen (Eds), *Privacy, Big Data, and the Public Good: frameworks for engagement*, New York, NY : Cambridge University Press, 2014

<sup>56</sup> Gottlob, Georg, Grasso, Giovanni, Olteanu, Dan & Schallhart, Christian (Eds), *Big Data: 29th British National Conference on Databases, BNCOD 2013, Oxford, UK, July 8-10, 2013. Proceedings*, Berlin, Heidelberg : Springer Berlin Heidelberg, 2013, p.1

discussed, but Barocas<sup>57</sup> and Nissenbaum<sup>58</sup> mention that they help leaders make favorable decisions, help science search for relevant information and give individuals information about themselves and their surrounding. The authors do admit, that there are certain problems, especially regarding legislation concerning storage of big data.<sup>59</sup> The reading suggests, that there are risks in connection with the collection of large amounts of data. Peoples identities can be accessed or at least patterns recognised. This means, that skilful computer experts can identify individuals or certain groups.

Aquisti<sup>60</sup>, co-writer in the same book, explains, that institutions which "own" information about people possess a powerful position over the people, who's information they have stored.<sup>61</sup> He also writes, that the private sphere is very important for people, but that they can take the risk to supply insight into their affairs, if they are promised an incitement of some kind, such as a gift voucher or discount.<sup>62</sup> But actually most people find it unpleasant to give access to their private details or to knowingly being observed.<sup>63</sup> It seems, that peoples will to participate in surveys is somewhat ambiguous. But it is on a voluntary basis only in the event, that the participants are promised some sort of bonus. It can be added, that people also seem to comply and provide personal information for statistical use, in case they are forced to do so, such as in the Mikrozensus study. For example in Germany, below 3% of the people chosen for the study in 2015 refused to be part of the study.<sup>64</sup>

In order to gain a locally Austrian opinion on gathering data and administration of it Gergely<sup>65</sup> has been chosen to give further insight on the issue. In his book *Überwachungsstaat Österreich* (surveillance state Austria, translation by the author) he mentions that we are surrounded by surveillance techniques which we are more or less

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<sup>57</sup> Solon Barocas, Doctoral student in the Department of Media, Culture, and Communication, New York University

<sup>58</sup> Helen Nissenbaum, Professor of Media, Culture, and Communication, Professor of Computer Science, and Director of the Information Law Institute, New York University

<sup>59</sup> Lane, J., Stodden, V., Bender, S. & Nissenbaum, H. (Eds), 2014, p.44

<sup>60</sup> Alessandro Acquisti, Professor of Information Technology and Public Policy, Heinz College, Carnegie Mellon University

<sup>61</sup> Lane, J., Stodden, V., Bender, S. & Nissenbaum, H. (Eds), 2014, p.77

<sup>62</sup> Lane, J., Stodden, V., Bender, S. & Nissenbaum, H. (Eds), 2014, p.86

<sup>63</sup> Lane, J., Stodden, V., Bender, S. & Nissenbaum, H. (Eds), 2014, p.84

<sup>64</sup> Destatis Statistisches Bundesamt, *Qualitätsbericht Mikrozensus 2014*, Wiesbaden, Published July 2015, p.8

<sup>65</sup> Stefan M. Gergely, Doctor of organical chemistry and has been working as a science journalist and author

aware of. Information about each individual living in a modern state is collected and stored in databases. Data gathered by different institutions can be cross-referenced and thereby a complete picture of an individual can be gained. In case a minority should become victim of a future conspiracy all the information needed in order to identify the individuals belonging to the group has already been gathered. Gergely also explains that the enormous amounts of information stored make the technology vulnerable. Further, information technology increases the bureaucratic apparatuses control over society while decreasing the populations possibilities to oppose.<sup>66</sup> It gives extensive power to the institutions owning information. The privacy of the individual is safeguarded by national data protection laws and further by EU law and the European Convention on Human Rights Article 8. At the same time institutions are given legitimate power to gather, process and transport data on the population. In other words private information is subject to substantial conflict of interests.<sup>67</sup> Finally Gergely also discusses to which extent it can be seen as necessary to gather statistical information. He expresses the importance of gathering solely information that the state cannot do without in order to accomplish good leadership. He sees as one possibility to arrange a popular referendum on the subject of the Mikrozensus in order to let the population decide on what they feel is a breach of their privacy.<sup>68</sup>

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<sup>66</sup> Gergely, S. M., 1984, pp.14-17

<sup>67</sup> Gergely, S. M., 1984, pp.25-27

<sup>68</sup> Gergely, S. M., 1984, p.96

## 4. The survey

In this part of the essay a description of the survey itself and how it was conducted will be presented. In the first part the term privacy has been analysed with the help of a concept analysis following Walker and Avants 8 steps.<sup>69</sup> This has been done with the help of the theory based on Wacks and Article 8 of the ECHR. In the second part the survey which has been conducted by taking a close look at the primary material (for a closer description see chapter 1.3.1) is presented. The primary material has been regarded with the help of a content analysis containing the following variables: *Value of the variables, text style and document type* (for example the size of a header), *content* (for example the topic discussed) and *other*.

### 4.1. Privacy - a concept analysis

This analysis begins with Walker and Avants steps 1 and 2: determining the concept to be regarded and the aim of the analysis. As mentioned above the concept *privacy* is under investigation here. The term has been chosen, since privacy is an important human right and is the basis for this essay, in order to in the next chapter be specified to the case of Austria and the Mikrozensus study. This is the aim of the analysis of the study as a whole - to gain an in depth view of Austrias attitude towards protecting its citizens private sphere and how the Mikrozensus study follows the privacy concept.

Next Walker and Avants steps 3 and 4 are used: identifying the use of the concept and its defining attributes. This is done by regarding Wacks views and definitions of privacy in comparison with the research literature to be able to conclude what privacy amounts to. The concept of privacy according to Wacks is neither simple to define nor static. It is viewed differently in different cultures, by different people and it

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<sup>69</sup> Nuopponen, Anita, "Methods of concept analysis – a comparative study", *LSP Journal*, Vol. 1, No. 1, 2010, pp. 4-12

changes over time. This is also mentioned by Gergely. At the time for the Roman Empire privacy was not seen as anything positive. To the contrary, it was the sphere of people who did not have access to the public sphere. Eggers explains that privacy received a more positive connotation in the Greek city state, where *private* was defined as everything within the home while *public* was defined everything outside the home. After developing further during history finally a juridical distinction was attained between the private and public sphere. Today it is clear that where a private sphere exists on the other hand a public sphere exists as well.

Some people may be of the opinion that there is no need for a private sphere, they say they have nothing to hide. For others it is an important part of life and they cannot accept intruders. Wacks suggests, that privacy is important for all of us from time to time. But also the breach of privacy can in certain situations be of a positive nature, for example if people need to be located on the basis of their mobile phone during a national emergency. It can be argued, that it is more important to find and save trapped survivors of an earthquake than to protect their private sphere, if their lives are at risk. This dilemma makes it difficult to constitute laws and especially laws that conform between different countries.

Further privacy is used in legislation to secure an individual's private sphere in relation to other individuals but also the state's relation to this individual. According to Wacks' description of different situations, it can be concluded, that laws between individuals are stricter than laws that concern the state's right to infringe on an individual's life. This is also mentioned by Mills. According to him people sometimes have to give up some of their autonomy and freedom, due to requirements from for example governments. For example it is under no circumstances acceptable for an individual to ask a stranger for his or her date of birth, address or other personal information. According to ECHR Article 8 it is though acceptable for an authority to ask a person for these details about him or herself, in case this is granted by law and the information is needed for the survival of the state. According to Wacks our psychological and emotional autonomy is infringed upon and thereby weakened in the above situation. We may feel uncomfortable answering private questions and in our computerised world, not being sure of where the information will be stored once we have answered. Mills explains further

that it with today's technology is fairly easy to intrude into people's private lives. Eggers and Gergely emphasise that an increasing amount of personal information is gathered and controlled by powerful institutions. So in other words the feeling that our privacy is being infringed upon is trumped by law.

Wacks also discusses in which situations we can actually speak about our privacy being weakened. Is this done only if we know that somebody is gathering information about us? Or is the situation the same if we are unaware of, for example a video surveillance camera in a dark street, recording us on our way home? Again, it is difficult to find an answer to these questions which is satisfactory for everybody. But according to Wacks the video surveillance in itself is accepted by a large part of the modern citizen, since it improves the safety of people. Many people are in other words ready to give up some of their privacy and freedom for more safety. Also it is argued that privacy can lead to misuse of power in a home leading to the abuse of family members. Here privacy leads to a harsh situation where the state has no possibility to offer security to the unknown victims.

Finally Wacks points out that it is very difficult to define privacy completely. This is so due to the fact that the same information feels more or less private depending on the situation we are in and the persons surrounding us. Information we are ready to share with our family we may not want to share with our boss or a total stranger. The same is expressed by Gergely. He explains that individuals basically are willing to share information, but he also emphasises that the important point here is the freedom to be able to choose which information is exchanged with whom. Below follows an attempt to define privacy presented by Wacks, which originates from Alan Westin:

[...] the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.<sup>70</sup>

Wacks though finds the definition problematic, since it is not applicable in all situations. To me it seems like a fair solution to the problematic discussion on how to explain the extent of privacy. This opinion is strengthened by Aquistis account that institutions who have information about people are very powerful due to this fact. Therefore it can be ar-

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<sup>70</sup> Wacks, R., 2015, p. 42

gued that it is up to every individual, if s/he is ready to grant power to this institution. Not to mention the problem regarding data protection. Although authorities promise us that private information gathered is stored with methods which are in accordance with the law. If an individual is not convinced and worried about his personal information, should this individual not have the right to object on the obligation to give away his or her information - even to a certain level of privacy?

Step 5 and 6 includes the identification of a model, borderline, and contrary case. In this essay the model will be presented in the following chapter, where the Mikrozensus study is used in order to grasp the privacy concept from the Austrian view. The borderline case could be the Mikrozensus study in Germany, where a similar questionnaire is used for a similar study as in Austria also called Mikrozensus. The contrary case could be Swedens study Arbetskraftsundersökningarna (AKU), which is also conducted according to the EU requirement, but on a voluntary basis for the respondent. The voluntary aspect has effect on the privacy condition, since it according to Gergelys suggestion gives the respondent the possibility to choose if and with whom s/he wants to share private information. The EU leaves it up to the member states to decide whether respondents to the study are forced to answer or if the study is performed on a voluntary basis. Due to the scope of this study the borderline and contrary cases will not be presented in further depth.

Step 7 include identifying the antecedents and consequences. These will be presented in chapter 5 analysis and discussion in combination with the results from the content analysis.

Finally in the step 8 the attributes are brought together with the referents in the real world. Walker and Avant's method is specifically produced for the nursing sector. The method was considered useful also for other areas of research by the author of this essay. This last step is though especially useful in nursing, where actual clients exist to help prove the existence of the concept. In this study this is not possible, which is why this last step has been disregarded.

## 4.2. Mikrozensus in Austria - a content analysis

In this chapter the Mikrozensus study in Austria is looked at by analysing the questionnaire used in the study with a content analysis. The factors investigated are: *Value of the variables, text style and document type* (for example the size of a header), *content* (for example the topic discussed) and *other*.

### 4.2.1. Value of the variables

To begin with the value of the variables will be presented which are used in this chapter, in order to be able to define values to the categories present in the questionnaire. The variables have been chosen according to the classification of privacy in terms of the Austrian law on data protection mentioned earlier, since this seems to be an authentic classification based on Austrian terms:

- (1) "Indirekt Personenbezogene Daten" is personal data which does not directly identify a person, as long as legal methods are used, in other words encrypted data. It can be expected that data in this class has the lowest privacy value for respondents, since their identity can not be immediately identified.
- (2) "Personenbezogene Daten" is personal data with which a person can be identified. It includes all data about private persons including private, professional, economic information, traits, knowledge and physiological traits. This is the middle scale in regard to how sensitive information with this value is for the respondent. According to Wacks discussion this category includes data which respondents feel is private and would not like to share. To a certain degree information is included in this category which is not seen as private by every individual.
- (3) "Sensible Daten" is personal data that is especially sensitive, such as for example information about a private persons racial and ethnic origin, political views, labor union, faith, health and sexual preferences. This is the category which is the most intimate on the scale of three classifications used in this essay. It includes the most sensitive information about a person.

These variable values will be used and referred to with their number in the following chapters.

#### 4.2.2. Text style and document type

Firstly to be mentioned the questionnaire for participants of the Mikrozensus study is published on the webpage of Statistik Austria, an independent organisation responsible for gathering federal statistics. The implementation of the Mikrozensus study has been contracted to Statistik Austria by the Federal Minister of Labour, Social Affairs and Consumer Protection. On the first look, one could consider Statistic Austria to be an institution with limited power, but as stated on their web pages, they are responsible for most of the statistics gathered on the socio-economic situation in Austria.<sup>71</sup> When reading Austrian newspapers, people will therefor have noticed the name frequently. In other words the institution has a strong position in the process of producing information in the form of numbers about the Austrian state. People know the position of the institution and have a picture about it producing reliable information. This leads to the fact that its power status compared to the Austrian citizen is strong. The fact that the institution is backed by the state further strengthens this. This has a strong influence on how the reader of the questionnaire perceives its information. Automatically the reader will presume that questions asked are according to legal requirements.

It can be noted that the questionnaire is written in a formal style, giving the reader (or listener in case of personal- or phone interview) a picture of an official document, which is trustworthy. It is 19 pages of length and slightly hard to get an overview of, since it has lots of questions and response options scattered over each page. Since the respondent is normally interviewed by a person physically present or by telephone interview, it is though not as important, that the document is easy to read. The professional eye of the interviewer will be accustomed to finding the information needed. With the help of grey scale and text boxes, the readability has further been improved.

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<sup>71</sup> Statistik Austria, Bundesanstalt Statistik, [www.statistik.at](http://www.statistik.at) , retrieved: 12.12.2016

Finally it can be noted, that the text is written in a style which reveals that it is meant for the interviewer to directly read the text and instructions in the form presented. This is made clear by the fact that some of the questions are written in first person, for example:

Jetzt möchte ich Sie zur Arbeitszeit in einer bestimmten Woche befragen [...] (Now I want to ask questions about your working-hours during a certain week [...], translation by the author)

Furthermore verbs in boxes giving additional information are written in imperative form, clearly giving instructions to the interviewer what to do next. One example:

Hinweis: Antwort zuordnen - wenn keine Antwort kommt, die Ausprägung vorlesen! (Note: Allocate the answer to the correct option - in case no answer is given, read out the options aloud!, translation by the author)

It can therefore be concluded that the questionnaire is presented to the respondent exactly in the way it is written and that no further instructions will be given by the interviewer except for what is written on the form.

### 4.2.3. Content

This section on the content of the questionnaire has been parted into four sections. These are chosen according to the contents of the questionnaire and further according to their connection with privacy. This will be done according to the classification of privacy in the Austrian law on data protection. For further information please see chapter 4.2.1.

#### ***Demographic information***

The first part of the questionnaire contains questions on the persons demographic information. Following questions are examples of what the respondent is asked in this section (all the questions have been translated by the author):

- Did you live at the same address as today one year ago?

- What is your marital status?
- In order to be able to separate information on stepfamilies we ask you to answer following questions (Adopted children are seen as biological children): Is ... (Name of your 1st, 2nd, 3rd etc. Child) your biological child?
- What is your nationality?
- In which country were you born?
- In which country was your mother / your father born?

According to the classification of different levels of privacy the questions in this section fall into the sections (2) and (3). In other words part of the questions are private and some of them belong to the most sensitive class of privacy, which applies to information on origin, as mentioned earlier.

This section is only one page of length, which implies that it is not the main focus of the survey.

### ***Employment facts and facts on Education***

This section explores facts about a person and his or her work and education. The name of the Mikrozensus survey in English is "labour force sample survey". According to the name this is the actually important part of the survey. Also in the amount of pages used for this part of the survey it can be seen, that this seems to be the main part of the research. The questions asked are part of the class (2) on the privacy scale of this survey. Compared to other personal information gathered in other sections of the questionnaire these are least private according to the background literature of this report. But the questions are very detailed. Examples are:

- labour status during the reference week,
- reason for not having worked though having a job
- professional status
- occupation
- working at home
- highest successfully completed level of education or trainings

### ***Living conditions***

As the heading suggests in this section information on the living condition of the respondent is requested. Example questions are:

- When was the building you live in built
- What heating system is used in the building
- What were your costs for the housing last month
- Which year have you signed the tenant agreement

The questions are part of the class (2) on the privacy scale and the section is two pages of length in the questionnaire. Again it can be seen, that this is not the focus of this survey.

### ***Personal details***

This section of the survey is with respect to space given one page. Furthermore this is the last page of the questionnaire. The information asked for here is highly personal according to literature reviewed in this study. Here the respondent is expected to specify his or her name and address, date of birth, gender and relation to the other persons in the household. All the information in this section is part of the classification (2) value on the privacy scale used in this essay. It is information which by many people would not in the first instance be shared with strangers.

#### **4.2.4. Other**

Mills explains that it with today's technology is fairly easy to intrude into people's private lives. We do and are expected to answer our mobile phones and to receive and open our post. So when receiving a letter from Statistic Austria that we have been chosen for the study it is automatically expected that we have received it and are now informed about their action. Further, the fact that Statistic Austria was able to get hold of our address in the first place is due to technology. Our address is available in registers of different kinds available to institutions, some also to private people. This makes us available to contacts not chosen by ourselves.

## 5. Analysis och discussion

In this chapter the survey will be analysed with the help of the theoretical background, consisting of Wacks view on the right to privacy and further the ECHR Article 8. The results of the survey, taking into consideration the features found with the help of the concept analysis and the content analysis, will be presented and discussed in the following two sections.

### 5.1. Analysis

Raymond Wacks writes about the private sphere, often with focus on unlawful behaviour of individuals. Amongst other things he mentions id theft and forger. But less is said about how private information is gathered on people in a legal way by states, without breaking laws, while at the same time intruding on peoples privacy. We are told that studies such as the Mikrozensus are important and legitimate and this is what we believe, since we trust in actions by the state and institutions well known to us. Regarding the content analysis it can be concluded that the questionnaire from its textual format and its form as an official document convinces the respondent, that it is an official document which has been written in accordance with the law. This is not totally true though. Most questions included in the questionnaire of the Mikrozensus are in accordance to law. There are some exceptions though, as mentioned earlier, such as the question on the country of birth which according to Council Regulation (EC) No 577/98 is optional. Including this question in the questionnaire without mentioning the fact that it is optional means a breach of law. This fact gives a strong reason to question the legitimacy of the survey as a whole, since it is not based on law.

It could here be argued that the information may be mentioned orally by the interviewer, but after having looked at the text structure it is obvious that the questionnaire is produced with clear instructions to the interviewer to be exactly followed. It

is therefore not likely that any further information is added during the interview situation. Further the information about optional questions is of high importance and there is no reason not to mention them in writing.

The Mikrozensus study is an example of a survey gathering big data. It is mentioned in former research that it is important for governments to have information on the country and its population in order to be able to accomplish successful leadership. Gergely though expresses the opinion that only information that is absolutely indispensable should be gathered. There is no clear information about what benefits have been gained over the years for society due to the Microzensus study, and especially by gathering personal details such as name, country of birth of mother and father etc. On the other hand the authors of former literature on the subject of statistics agree on the fact that there are risks in connection with the collection of large amounts of data there are certain problems concerning storage of big data. Peoples identities can be accessed or at least patterns recognised. This means, that in spite of security measures stipulated by law skilful computer experts can identify individuals or certain groups by cross referencing data. In other words privacy of the individual is on the one hand safeguarded by the data protection law and further for example by EU law and the European Convention on Human Rights Art 8. At the same time institutions are given legitimate power to gather, process and transport private data on the population. In other words private information is subject to substantial conflict of interests.

According to Wacks:

Certain kinds of information about a person, such as information relating to health, personal relationships, or finances, may be easy to identify as private; as may certain kinds of activity, which a reasonable person, applying contemporary standards of morals and behaviour, would understand to be meant to be unobserved.<sup>72</sup>

The Mikrozensus questionnaire contains questions which are part of the categories mentioned by Wacks. Still it is legitimate for EU countries to ask most of the question and even to force the respondent to answer the questions due to the fact that legislation exists on the matter in the form of the Council Regulation (EC) No 577/98. As has been

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<sup>72</sup> Wacks, R., 2015, pp. 60

mentioned before, states have greater rights to ask individuals for information, which according to the literature review can be classed as private, than people have amongst each other. According to law there are questions which clearly fall into the area of privacy, which no person has the right to ask another person. The same questions are though not classified as inappropriate to be asked by the state or an institution which is part of the state.

Regarding the questions mentioned in chapter 4.2. it can be concluded that a clear picture about the respondent is registered with the help of the Mikrozensus. Most aspects of the persons life are inspected and this is done forcibly, since the chosen respondent is by law obliged to answer (most of) the questions. Wacks refers to Article 8 of the ECHR, which declares the following:

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.<sup>73</sup>.

The article mentions that states are allowed to intrude into the private lives of the population, as long as the action is based on law and it is absolutely necessary in order for the state to last. Both the EU and Austrian authorities emphasise that the Mikrozensus survey is inevitable. It can though be questioned if the questionnaire in all its detail is required in order to secure the well-being of the country. As mentioned by Gergely only information that is absolutely indispensable should be gathered. Further he mentions the idea of having a popular referendum on the question if people want to disclose information on their private lives and if questions asked by for example the Mikrozensus are too private. In this way the population itself would be given an opportunity to affect the questions of privacy. According to Austrian law on data protection there is a partition into three degrees of privacy (1), (2) and (3), see chapter 4.2.1 for a closer description. It needs to be considered if according to ECHR Article 8 individuals need to be given gre-

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<sup>73</sup> Wacks, R., 2015, p.66

ater power over information on their private lives, especially the information of the most sensitive areas of privacy, degree (3).

Further the law on statistics and data protection in Austria requires, in accordance with EU laws the data collected to be stored in a secure way, personal information separately from the answers, in order to protect private information. This is due to the fact that anonymity is an important democratic value. This is in other words followed in this statistical survey, which promises in the form of laws that information will be stored and transported in a way that ensures that an individual's identity cannot be identified using legal methods. Still it must be kept in mind that according to the literature reviewed the threat exists, that information can be recovered by cross referencing data. There are huge amounts of personal data gathered and controlled by powerful institutions. In case of misuse detailed information about individuals and groups can be gained. When once again considering information of more or less private status gathered with the Mikrozensus questionnaire which has been reviewed in this essay, it can be understood what amounts of information on individuals are stored in databases. And once it has been stored in a computer, it will stay in the system - it is worth remembering the point made by Gergely: "The Computer does not forget."

Earlier in the essay it has been mentioned that it is according to Taylor difficult to unite arguments in favour of gathering private information and those against. On the one hand with the information on for example peoples location they can be rescued from natural disasters. In the case of the Mikrozensus this though is not a valid argument, since information gained in the survey cannot be used to save lives.

## 5.2. Discussion

According to literature, surveys of society lead to improvements of the respondents wellbeing, as to the wellbeing of the nation as a whole. According to this statement, one could preclude that the article above is being followed, since the economic well-being of the country is being seen to by performing this survey. Further the existence of the Mikrozensus law according to the point 2 of the article makes the study legitimate. But there is no information available, on the goals which until today have been able to be

accomplished with the help of data from the survey. In the internet the statistical outcomes can be found in numbers. Information such as to which schools people with a certain income send their children, how high the unemployment rate in a country is for different groups and similar is displayed. But the question remains open what society has actually attained with the help of this information.

The private questions answered in this survey according to Wacks means for people to give away information they would like to keep to themselves or at least to their closer circle of friends and family. Different information is according to Wacks seen as private by different people. Gergely explains that individuals basically are willing to share information, but he also emphasises that the important point here is the freedom to be able to choose which information is exchanged with whom. Except for the possibility of authorities to dictate which information we are expected to give away this freedom is further endangered by the fact that databases with personal information are vulnerable to intruders. But the information, classed as personal by a certain person, should according to human rights law not have to be given away to strangers by force. Even though the information hopefully will not be possible to be brought in connection with the individual it stems from, it is still a breach of privacy, to have to speak to a stranger about private issues.

Additionally the legitimacy in the act of interviewers visiting peoples homes can be questioned. With the aspect "my home is my castle" in mind, it feels like an intrusion into private space by Statistic Austria. It is pointed out, that a letter is sent to each household which is part of the study before the contact by the personnel of Statistik Austria. Still it doesn't help the fact, that an intrusion into the homes of people is performed by strangers. According to Wacks assuring the privacy in a home is one of the basic rights to be fulfilled. Being coerced into answering questions about ones private life, while being disturbed in ones home is not in accordance with this right. Further it presents the threat which remains unspoken: We know where you live. Here the notion of anonymity, which is promised in the information about the study, loses in credibility.

Furthermore there are according to Barocan and Nissenbaum risks in the storage of big data. Austria regulated its law on data administration in 1978 and since

then the law has been adjusted in order to be compatible with commitments within the EU and to assure the same rights to all EU citizens. In other words juridically efforts are made, to secure personal information. When asking questions intruding into peoples private sphere, people are told that their details will be stored according to law. But no system is not fully secure, which does not make it possible to assure people, that their data will not leak to other actors.

Further, when taking a look into books on methodology on the topic of research with surveys, clear ethic rules can be found on the matter of participation to studies. According to ethic principles there are clear requirements for gaining consent by the participant of the respondent. It is questionable that institutions are given a legal right to ask a person for private information. When this is done by force, without asking for the consent of the respondent, since s/he does not have the right to refuse answering the question this presents a breach to ethic values.

Finally the argument by Statistik Austria, that a high response rate is crucial in order to attain sufficient high quality statistics is not convincing. Other European countries, such as for example Sweden, obtain high quality statistics without the use of coercion.

## 6. Conclusion

It can be concluded that since the privacy aspect is so very multifaceted depending on the time, culture, personal attitude and much more it is very difficult to come to a straightforward answer to the question if and in which ways the Mikrozensus study breaches the laws of privacy. The Article 8 (1) of the ECHR though states that everyone has the right to respect for his private and family life. It can be noted that this right is not respected in the case of the Mikrozensus survey. Main reasons for this claim will be given below, in returning to the research questions:

- What is the relation between Austrias legal promises to protect its citizens private sphere and the Mikrozensus study and questions it asks the population?

Austria is obliged to follow the ECHR and EU law and in addition has national laws on privacy and data protection. The questions of the questionnaire studied do not in every way follow the requirements by law. In addition to private questions falling under the ECHR Article 8 asked, questions that by EU law are optional are not marked in any specific way. Despite this breach of law, which is a damage to it's legitimacy, respondents are obliged to be part of the survey and fined if they refuse. Due to this fact the legal promise to protect the Austrian populations private sphere is not realised by conducting the Mikrozensus survey.

- How and where does the Mikrozensus study fit into the theoretic discussion on privacy as a human right?

According to the literature research of this essay privacy is an aspect which means different things to different people. Since everybody according to the ECHR should have the right to respect for their private life, this individual view on the term must be kept in mind. It is not possible to use a model survey for a whole country's population and claim that everybody's privacy is respected. Instead there must be the possibility for each individual to decide for themselves whether their individual view on privacy al-

allows them to answer questions of a sort or if they choose not to be part of a study. This option is missing in the case of the Mikrozensus study and therefore it does not have its place in the discussion on privacy as a human right.

- Can the Mikrozensus survey be seen as a breach of peoples rights to privacy and if so in which ways?

The right to breach the privacy of individuals, is according to the Article 8 (2) of the ECHR legitimate, if it is according to law and additionally is:

necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others

None of these requirements can be identified to be fulfilled by the collection of data such as an individuals name, address, date of birth, nationality, country of birth of mother and father and other personal, or partly sensitive details. The procedure of forcing people to report this type of information can be questioned and the legitimacy of surveys including this type of questions is based on unstable ground. Furthermore it is not obligatory according to EU law to answer all of the questions included in the Mikrozensus study. This is a breach of peoples right to privacy, since information considered private by EU law is not respected by the survey.

Finally, according to modern surveys, the storage of big data is not totally secure, which further decreases the legitimacy of the survey from a privacy point of view. A person needs to be given the possibility to choose which private information s/he is willing to share and what risks s/he is ready to take in terms of data security. Taking this possibility from the person is an infringement on his/her personal freedom. Especially in an age where intrusion into stored sensitive data frequently exists the legitimacy of a survey gathering personal information, and certainly when this is done by force, can be strongly questioned.

# References

## **Primary Source:**

Statistic Austria, Personenfragebogen 4. Quartal 2016 Erstbefragung [http://www.statistik.at/web\\_de/fragebogen/private\\_haushalte/mikrozensus/index.html](http://www.statistik.at/web_de/fragebogen/private_haushalte/mikrozensus/index.html) ,  
retrieved: 17.12.2016

## **Secondary Sources:**

### Literature:

Bryman, Alan, *Samhällsvetenskapliga metoder*, n.p.: Malmö : Liber (Spanien), 2011

Egger, Edeltraud, *Datenschutz versus Informationsfreiheit*, München; Wien: Oldenburg, 1990

Esaiasson, Peter, *Metodpraktikan : konsten att studera samhälle, individ och marknad*, n.p.: Stockholm : Norstedts juridik, 2007

Gergely, Stefan M., *Überwachungsstaat Österreich? : der Mensch im Würgegriff des Computers*, Wien : Verlag Orac, 1984

Gottlob, Georg, Grasso, Giovanni, Olteanu, Dan & Schallhart, Christian (Eds), *Big Data: 29th British National Conference on Databases, BNCOD 2013, Oxford, UK, July 8-10, 2013. Proceedings*, Berlin, Heidelberg : Springer Berlin Heidelberg, 2013

Graf, Wolfgang, *Datenschutzrecht im Überblick*, Wien: Facultas, wuv, 2010

Lane, Julia, Victoria Stodden, Stefan Bender, and Helen Nissenbaum (Eds), *Privacy, Big Data, and the Public Good: frameworks for engagement*, New York, NY : Cambridge University Press, 2014

Mills, Jon L., *Privacy: The Lost Right*, Oxford [UK]: Oxford University Press, 2008

Moeckli, Daniel, Shah, Sangeeta, Sivakumaran, Sandesh & Harris, David J. (eds.), *International human rights law*, n.p.: Oxford : Oxford University Press, cop. 2014

Mohr, Franz, *Allgemeines Bürgerliches Gesetzbuch* (17. Aufl., Stand 1.10.2012 ed., Kodex des österreichischen Rechts. Taschen-Kodex). Wien: LexisNexis, 2012, § 1328a. Recht auf Wahrung der Privatsphäre

Pollirer, Hans-Jürgen, *Datenschutzgesetz 2000 (DSG 2000) : Samt ausführlichen Erläuterungen (2. Aufl. ed., Vol. Nr. 115, Ed. 2, Manzsche Gesetzausgaben. Sonderausgabe)*, Wien: Manz, 2014;

Version of translation into English: Österreichische Datenschutzbehörde, Archiv, *Austrian Laws and Ordinances, Datenschutzgesetz 2000 - DSG 2000*, <http://archiv.dsb.gv.at/site/6274/default.aspx> , retrieved: 07.01.2017

Wacks, Raymond, *Privacy: A Very Short Introduction*, [Electronic resource], Oxford University Press, 2015

Walker, Lorraine Olszewski & Avant, Kay Coalson Avant, "Concept analysis", In L. Walker & K. Avant (Eds.), *Strategies for theory construction in nursing* (4th ed., pp. 63–84), Norwalk, CT: Appleton & Lange, 2005

#### Articles and Reports:

Destatis Statistisches Bundesamt, *Qualitätsbericht Mikrozensus 2014*, Wiesbaden, Published July 2015

Gumprecht, Daniela, "Effekte der Erhebungsmethode im österreichischen Mikrozensus", *Austrian Journal of Statistics*, Volume 39, Number 1 & 2, 2010, pp.127-137

Nuopponen, Anita, "Methods of concept analysis – a comparative study", *LSP Journal*, Vol. 1, No. 1, 2010

Roagna, Ivana, *Protecting the right to respect for private and family life under the European Convention on Human Rights*, Council of Europe human rights handbooks, Council of Europe, Strasborg, 2012

Taylor, Linnet. 2016. "The ethics of big data as a public good: which public? Whose good?." *Philosophical Transactions Of The Royal Society A: Mathematical, Physical & Engineering Sciences*, 374, no. 2083: 1-13.

#### Internetpages:

Bundeskanzleramt Rechtsinformationssystem, Bundesstatistikgesetz 2000 § 66, 01.01.2002, [www.ris.bka.gv.at](http://www.ris.bka.gv.at) , retrieved: 15.12.2016

Bundeskanzleramt Rechtsinformationssystem (Landesverwaltungsgericht Tirol), *Mikrozensusstichprobenerhebung*, [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Lvwg&Dokumentnummer=LVWGT\\_TI\\_20140227\\_LVWG\\_2014\\_42\\_0533\\_2\\_00&ResultFunctionToken=32ff09c5-bc94-440c-999b-ef105f3bd60f&Position=1&Entscheidungsart=Undefined&Bundesland=Undefined&Suche=](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Lvwg&Dokumentnummer=LVWGT_TI_20140227_LVWG_2014_42_0533_2_00&ResultFunctionToken=32ff09c5-bc94-440c-999b-ef105f3bd60f&Position=1&Entscheidungsart=Undefined&Bundesland=Undefined&Suche=)

[NachRechtssatz=True&SucheNachText=True&GZ=&VonDatum=01.11.2013&BisDatum=03.01.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=mikrozensus](#) , ruled: 27.02.2014, retrieved: 15.12.2016

Bundeskanzleramt Rechtsinformationssystem (Landesverwaltungsgericht Wien), *Auswahlmessen der Bundesanstalt Statistik Österreich ob die Befragung persönlich, telefonisch oder schriftlich durchgeführt wird*, [https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Lvwg&Dokumentnummer=LWGT\\_WI\\_20141113\\_VGW\\_001\\_060\\_20788\\_2014\\_00&ResultFunctionToken=32ff09c5-bc94-440c-999b-ef105f3bd60f&Position=1&Entscheidungsart=Undefined&Bundesland=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=&VonDatum=01.11.2013&BisDatum=03.01.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=mikrozensus](https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Lvwg&Dokumentnummer=LWGT_WI_20141113_VGW_001_060_20788_2014_00&ResultFunctionToken=32ff09c5-bc94-440c-999b-ef105f3bd60f&Position=1&Entscheidungsart=Undefined&Bundesland=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=&VonDatum=01.11.2013&BisDatum=03.01.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=mikrozensus) , ruled: 13.11.2014, retrieved: 15.12.2016

Bundesministerium der Justiz und für Verbraucherschutz, Gesetz über die Statistik für Bundeszwecke (Bundesstatistikgesetz - BStatG), § 23 Bußgeldvorschrift, [www.gesetze-im-internet.de](http://www.gesetze-im-internet.de) , retrieved: 12.12.2016

Destatis Statistisches Bundesamt, *Der Mikrozensus stellt sich vor*, [www.destatis.de](http://www.destatis.de) , retrieved: 03.01.2017

Faculty of Law, The University of Hong Kong, [www.law.hku.hk](http://www.law.hku.hk) , retrieved: 15.12.2016

Leshem, Markus, *Umfrage ohne jede Gnade*, [www.meinbezirk.at](http://www.meinbezirk.at) , published: 18.01.2016, retrieved: 15.12.2016

Council of the European Union, "Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community;", *Official Journal of the European Communities*, 9 March 1998, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998R0577&from=EN> , retrieved: 15.12.2016

Statistik Austria, Bundesanstalt Statistik, [www.statistik.at](http://www.statistik.at) , retrieved: 12.12.2016

### Legislation:

Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, E.T.S. No. 5, 4 November 1950, Art. 8;

European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, art. 7, 8