



Data protection principles²¹

FIREWALLS

All data collection, processing and disaggregation should respect firewalls between public services and immigration authorities. This means that public service providers should never be required to report undocumented migrants. The collection of any information on individuals' migratory status must be done in ways that do not breach the firewall.

LAWFUL AND FAIR COLLECTION

Personal data must be obtained by lawful and fair means with the knowledge or consent of the data subject.

SPECIFIED AND LEGITIMATE PURPOSE

The purpose(s) for which personal data are collected and processed should be specified and legitimate and should be known to the data subject at the time of collection. Personal data should only be used for the specified purpose(s), unless the data subject consents to further use or if such use is compatible with the originally specified purpose(s).

DATA QUALITY

Personal data sought and obtained should be adequate, relevant and not excessive in relation to the specified purpose(s) of data collection and data processing. Data controllers should take all reasonable steps to ensure that personal data are accurate and up to date.

21. Adapted from: Van Durme, C., "Firewall: A tool for safeguarding fundamental rights of undocumented migrants" (PICUM, 2017) and IOM Data Protection Manual (2010).

CONSENT

Consent must be obtained at the time of collection or as soon as it is reasonably practical thereafter, and the condition and legal capacity of certain vulnerable groups and individuals should always be taken into account. If exceptional circumstances hinder the achievement of consent, the data controller should, at a minimum, ensure that the data subject has sufficient knowledge to understand and appreciate the specified purpose(s) for which personal data are collected and processed.

TRANSFER TO THIRD PARTIES

Personal data should only be transferred to third parties with the explicit consent of the data subject, for a specified purpose, and under the guarantee of adequate safeguards to protect the confidentiality of personal data and to ensure that the rights and interests of the data subject are respected. These three conditions of transfer should be guaranteed in writing.

CONFIDENTIALITY

Confidentiality of personal data must be respected and applied at all stages of data collection and data processing and should be guaranteed in writing.

ACCESS AND TRANSPARENCY

Data subjects should be allowed to verify their personal data and should be provided with access insofar as it does not interfere with the specified purpose(s) for which personal data are collected and processed. Data controllers should ensure a general policy of openness towards the data subject about developments, practices and policies with respect to personal data.

DATA SECURITY

Personal data must be kept secure, both technically and organizationally, and should be protected by reasonable and appropriate measures against unauthorized modification, tampering, unlawful destruction, accidental loss, improper disclosure or undue transfer.

RETENTION OF PERSONAL DATA

Personal data should only be kept for as long as is necessary and should be destroyed or rendered anonymous as soon as the specified purpose(s) of data collection and data processing have been fulfilled. It may, however, be retained for an additional specified period for the benefit of the data subject.

APPLICATION OF THE PRINCIPLES

These principles shall apply to both electronic and paper records of personal data, and may be supplemented by additional measures of protection, depending, inter alia, on the sensitivity of personal data. These principles shall not apply to non-personal data.

OVERSIGHT, COMPLIANCE AND INTERNAL REMEDIES

An independent body should be appointed to oversee the implementation of these principles and to investigate any complaints, and designated data protection focal points should assist with monitoring and training. Measures will be taken to remedy unlawful data collection and data processing, as well as breach of the rights and interests of the data subject.



Template for formulating an indicator

Examples

GCM OBJECTIVE TO ADDRESS

Enhance the availability and flexibility of pathways for regular migration.

GCM ACTION TO ADDRESS

"Expand available options for academic mobility, including through bilateral and multilateral agreements that facilitate academic exchanges, such as scholarships for students and academic professionals, visiting professorships, joint training programmes and international research opportunities, in cooperation with academic institutions and other relevant stakeholders" (GCM, para. 21 (j)).

POSSIBLE INDICATOR

Number of scholarships awarded to nationals for enrolment in higher education abroad, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries.

DEFINITION(S)	Scholarships are financial aid awards for individual students. Financial aid awards include bilateral grants to students registered for systematic instruction in private or public institutions of higher education to follow full-time studies or training courses abroad.
UNIT OF MEASUREMENT (E.G. EXPRESSED AS %)	Total number of scholarships awarded for higher education abroad.
RELEVANT INTERNATIONAL STANDARDS (IF ANY)	SDG 4b: By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries. For further information on defining scholarships in the context of SDG target 4b see “SDG target 4b: a global measure of scholarships” (Balfour, 2016), available at http://unesdoc.unesco.org/images/0024/002455/245570e.pdf .

DATA SOURCE(S)	Records from the Ministry of Education on nationals studying under scholarship agreements abroad
METHODOLOGY (DETAIL ON DATA COLLECTION)	The Ministry of Education will consolidate all of its records on different scholarships awarded into a single spreadsheet or document, to be disaggregated as per the specifications below. They will send this information to the national statistical office, who will report total figures.
PERIODICITY OF MEASUREMENT	Annual
DISAGGREGATION	<ul style="list-style-type: none"> ▪ Gender of scholar ▪ Race or ethnicity of scholar ▪ Country of study ▪ Level of award (diploma, bachelor's degree, master's degree/postgraduate diploma, PhD, post-doctoral research) ▪ The subject of the programme
LEAD ACTOR INVOLVED / OTHER ACTORS	Ministry of Education National Statistical Office
BASELINE, IF AVAILABLE	0 scholarships



Checklist for developing indicators

- ☐ Reflect migration governance-related needs at the local and national levels.
- ☐ Measure aspects of the GCM objectives that have been chosen for implementation.
- ☐ Are constructed from reliable and well-established data sources.
- ☐ Build as much as possible on existing data capture and processes, to keep the additional burden low and to help ensure sustainable measurement.
- ☐ Use and encourage data that is disaggregated by sex, age, nationality and migration status.
- ☐ Are consistent with relevant international standards and guidance, following internationally set terminology and definitions where possible.
- ☐ Measure data that can be collected regularly over time.
- ☐ Are straightforward to interpret and easy to communicate to the public and stakeholders.
- ☐ Include human rights indicators (see resources listed in Action 5: Develop indicators).
- ☐ Measure outcomes as much as possible, though structural and process indicators.
- ☐ Are accompanied by a brief description of metadata and methodology.
- ☐ Includes baseline data whenever it is available.