ARAB INSTITUTE

FOR TRAINING & RESEARCH IN STATISTICS



المعهر العربي للتحريب والبحوث الإحصائية

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¹ Available [On-line] http://www.aitrs.org

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² Available [On-line] http://www.escwa.un.org/about/gov/session25/index.asp

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(Economic & Social Council: E/CN.3/2004/21, 2004)

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⁴ E/ESCWA/25/5(Part II)/Supp.2 pp. 7

(Habermann, 2007)

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"A national statistical council can be used for the defense of the statistical agency. It exists to protect the statistical agency from attacks to which it cannot properly reply owing to restraints on public servants"⁵

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.(Economic & Social Council, E/CN.3/2004/21, 2004)

⁵ Statistics Division, ESA/STAT/AC.93/1: 2003

.(Statistics Division: ST/ESA/STAT/SER.F/88, 2003)

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⁶ IMF web site http://dsbb.imf.org/Applications/web/getpage/?pagename=gddshome



⁷ IMF web site http://dsbb.imf.org/Applications/web/sddshome/

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(Economic and Social Council, E/CN.3/1999/26:1998)

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The statistical activity shall be carried out in compliance with the principles of	
the rule of law, impartiality, reliability, efficiency, adequacy, publicity and confidentiality.	
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Neither the Governor in Council nor the Minister shall, in the execution of the	
powers conferred by this Act, discriminate between individuals or companies to	
the prejudice of those individuals or companies.	
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 The chief statistician must endeavor to fulfill the Republic's international statistical reporting obligations

 The producer of official statistics shall be bound to draft a Calendar of Publication of Statistical Data which includes the dates of publication of statistical data at least three months prior to the period to which the Annual Implementing Plan refers . Any departure from the timelines stated in the Calendar referred to in paragraph 1 of this Article shall be announced

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(Kopsch, G., 2002; Khawaja, S. & Morrison, T. 2002)

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The Central Bureau of Statistics is the chief producer, disseminator and coordinator of the official statistics system of the Republic of Croatia. The Central Bureau of Statistics is a state administration organization which autonomously performs its tasks in conformity with the law	
The CBS is the national authority responsible for the production of Community statistics.	

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The chief statistician must ensure appropriate public awareness of statistical collections and activities.	
Supply the information necessary to evaluate the quality of official statistics, and make accessible to the public the methods used for their production, and	
how the principles, under which such statistics are gathered, are complied with	
The producer of official statistics shall be bound to draft a Calendar of	
Publication of Statistical Data which includes the dates of publication of statistical data at least three months prior to the period to which the Annual	
Implementing Plan refers . Any departure from the timelines stated in the	
Calendar referred to in paragraph 1 of this Article shall be announced	
The Dadies of statistics shall inform the public shout the nexults from the	
The Bodies of statistics shall inform the public about the results from the statistical surveys through the mass media, own publications or other means	

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Producers of official statistics may, on the request of the user, provide data	
obtained through special processing.	





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⁹ Economic & Social Council, E/CN.3/2004/21, 2004

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The chief statistician must promote co-ordination among producers of	
official statistics in order to must avoid unnecessary duplication	
The proposal of the Development Strategy of Official Statistics of the	
Republic of Croatia shall be drawn up by the Central Bureau of Statistics in	
cooperation with the producers of official statistics referred to in Article 7	
of the present Act and with the Council's opinion	



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The Central Bureau of Statistics may perform its own separate activity which generates income, under the condition that these tasks do not harm the performance of tasks for which it has been established	
Ensure that the statistical work carried out by the CBS for third parties does not lead to competition with private suppliers of similar services which would be undesirable from the perspective of the proper operation of market forces	



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The tasks of the Council shall be to provide expert opinion and proposals	
The principle underlying the scope of activity of the Statistical Council. It	
consists in the exercise of powers aimed at the harmonization and smooth functioning of the National Statistical System	

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Statistical material shall be stored in such a way as to prevent its destruction,	
misuse, falsification, alienation and unauthorized disclosure	
As laid down in the relevant rules applying to the civil service, the director	
general shall take the necessary technical and organizational measures to	
safeguard his data from loss or damage and to prevent unauthorized	
examination, alteration and provision of those data.	

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No one may give instructions to the Director of the Central Bureau of Statistics that concern the professional and methodological issues of	
official statistics, and particularly: - the content and methodology of	
statistical activities	

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(European Code of Practice for Official Statistics)

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"Much of the legislation which pre-date the UN fundamental principles of official statistics often do not provide for, among other things: establishment of the professional independence and objectivity of official statistics; national statistics to serve all users and to reaffirm the role of statistics in the democratic process and as a public good."¹⁴

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¹⁴ National strategies for developing official statistics. Available [On Line] http://www.paris21.org/documents/2410.pdf

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Annotated model of a National Statistics Act Introduction

Chapter II, Section E of the present edition of the *Handbook of Statistical Organization* covers some general principles of statistical legislation, but contains few specifics. Annex I presents specific texts that might be useful for countries that want to introduce a general statistics law or modify an existing one. It should be stressed that this "model statistics act" is not in any way meant to be prescriptive or normative. It is just an illustration of the issues that are addressed in actual statistical legislation in various countries; several of the texts are derived from actual statistical laws.

The model, prepared for the fictitious country of "Numberland", contains two types of elements:

1. Issues that are about matters of principle and that should be dealt with in all statistics acts (printed in **bold** typeface). In this regard, reference is also made to the Fundamental Principles of Official Statistics, adopted by the Statistical Commission of the United Nations in 1994. These issues often relate directly to what is said in the Principles, as will be explained in annotations to the text.

2. Alternative or optional elements. The heading "Alternatives" indicates solutions that are different, but not necessarily inferior to the ones described in the issues mentioned before. "Optional" elements are more country-specific; they may work for some countries, but may be unacceptable for others.

Statistics Act of Numberland

Note: The Act consists of three main sections: general (see chapter II, section E.1), which concerns the main actors of the statistical system and their roles, responsibilities and interactions; statistical operations and data collection, including some provisions for regionally decentralized systems (see chapter II, section E.6); and data confidentiality, including access to information protected by other laws (see chapter II, section E.4).

A. General

1. Definitions

In this Act:

(a) Chief statistician means the Chief Statistician of Numberland;

(b) *Department* means any department, board, bureau, agency or other division of the government of Numberland or of the Government of a region or any agency of either;

(c) *Minister* means a member of the Cabinet of Ministers of Numberland;

(d) *Respondent* means a natural or legal person in respect of whom or in respect of whose activities any report or information is sought or provided pursuant to this Act;

(e) Council means the National Statistical Council of Numberland.

2. Appointment of the Chief Statistician

The President of Numberland, at the recommendation of the Council of Ministers, shall appoint an officer whose title will be "Chief Statistician of Numberland" to hold office for a renewable, fixed term of five years.

Note: Appointment of the Chief Statistician for a fixed term helps to guarantee his professional independence and to prevent political interference with official statistics (see also above, chapter II, section C.4).

Alternative One

The Prime Minister of Numberland shall appoint an officer called the "Chief Statistician".

Alternative Two

The Parliament of Numberland shall appoint an officer called the "Chief Statistician".

Alternative Three

At the recommendation of the National Statistical Council, the President of Numberland shall appoint an officer called the "*Chief Statistician*".

Option

The President of Numberland shall appoint a Minister for Statistics, who shall act as the *Chief Statistician*.

3. Role of the Chief Statistician

The Chief Statistician shall:

(a) Advise on matters pertaining to statistical programmes of the departments of the Government of Numberland, and confer with those departments to that end;

(b) Decide on the manner in which data for statistical purposes are collected, how they are compiled and when and how statistics are published;

(c) Supervise generally the administration of this Act and control the operations and staff of Statistics Numberland;

(d) Represent Numberland in international statistical meetings or designate one or more staff members of Statistics Numberland to do so.

Note: The provisions in this article support the coordinating role of the Chief Statistician (subparagraph [a]); his professional autonomy (subparagraph [b]); see also annex II, "Fundamental Principles of Official Statistics" and his/her international role (see annex II, articles 9 and 10 of the Fundamental Principles of Official Statistics).

4. Statistics Numberland

There shall be a statistics bureau, to be known as Statistics Numberland, the duties of which are:

(a) To collect, compile, analyse and publish statistical information relating to the commercial, industrial, financial, social, economic, environmental and general activities and condition of the people;

(b) To collaborate with departments of Government in the collection, compilation and publication of statistical information, including statistics derived from the activities of those departments;

(c) To promote the avoidance of duplication in the information collected by departments of government;

(d) Generally, to promote and develop integrated social and economic statistics pertaining to the whole of Numberland and to each of the regions thereof, and to coordinate plans for the integration of those statistics.

5. Work plan, release calendar and annual report

(a) Three months before the beginning of each new fiscal year, the Chief Statistician shall submit to the Council of Ministers^b a work plan for the next fiscal year, setting out all major statistical collections and planned publications, as well as estimates of expenditure and revenues related to this;

(b) At the beginning of each new fiscal year, the Chief Statistician shall publish a calendar of the most important releases of new statistics in that fiscal year;

(c) Within three months after the end of each fiscal year, the Chief Statistician shall present a report to the Council of Ministers^b with regard to the activities of Statistics Numberland in the preceding fiscal year.

Note: This article is mainly about transparency and accountability, two important aspects of the Fundamental Principles. The publication of the advance release calendar (subparagraph [b] above) prevents political interference with statistical outcomes.

6. National Statistical Council

(a) There shall be a National Statistical Council whose role is:

(i) To advise the Chief Statistician on statistical work plans; its advice shall be added when the work plan is submitted to the Council of Ministers;

(ii) To comment on the annual report that the Chief Statistician submits to the Council of Ministers; its comments shall be added to this report;

(iii) To advise the Chief Statistician on any other statistical issues.

(b) The Council shall be chaired by the Chief Statistician;

(c) The Council shall meet at least four times a year;

(d) The Council may set up subcommittees and ad hoc advisory groups;

(e) The Council shall have at least 15 members, representing the most important user groups of official statistics, in particular government departments, the business community and academia;

(f) Members of the Council shall be appointed by the Minister, at the recommendation of the Chief Statistician. They will serve for renewable terms of four years;

(g) The Council's rules of procedure shall be approved by the Minister.

Note: The principal role of a National Statistical Council is to interface with the users of statistics and thereby enhance the relevance of official statistics (see annex II, "Fundamental Principles of Official Statistics", article 1). As there are many different ways to set up such a council, some alternatives to the above are listed below.

Alternatives

(a) The Minister chairs the Council, the Chief Statistician is vice-chair;

(b) There is an independent chairman; the Chief Statistician is an ex officio member;

(c) The Council has fewer or more members;

(d) The Council approves the statistical work plan (as opposed to just advising on it);

(e) Recommendation for membership through co-optation (Council itself proposes candidates);

(f) Membership is specified by law (e.g., "a representative of the Ministry of Finance, a representative of the Central Bank, a representative of the Council of Economic Advisers," etc.);

(g) Longer or shorter terms of service.

B. Statistical Operations and Data Collection

Note: This part of the law is mainly about practical arrangements for data collection, including access to government data sources that may be relevant for statistical purposes. Statistics should be collected in the most efficient way, and respondents should not be unduly burdened (see also annex II, "Fundamental Principles of Official Statistics").

1. Statistical personnel

The Chief Statistician may employ such commissioners, enumerators, agents or other persons as are necessary to collect for Statistics Numberland such statistics and information as the Chief Statistician deems useful and in the public interest relating to such commercial, industrial, financial, social, economic and other activities as the Chief Statistician may determine; and the duties of the commissioners, enumerators, agents or other persons shall be those duties prescribed by the Chief Statistician.

Options

Public servants

The Minister may, for such periods as it may determine, use the services of any employee of the public service of Numberland in the exercise or performance of any duty, power or function of Statistics Numberland under this Act or any other Act, and any person whose services are so used shall, for the purposes of this Act, be deemed to be a person employed under this Act.

Note: This implies that the Minister who is politically responsible for official statistics has the power to recruit civil servants outside Statistics Numberland to perform statistical duties; among other things, this may be important for censuses.

Contracted services

Any persons retained under contract to perform special services for the Chief Statistician pursuant to this Act; and the employees and agents of those persons shall, for the purposes of this Act, be deemed to be persons employed under this Act while performing those services.

Cooperation with regional authorities

The Chief Statistician may enter into arrangements with the Government of a region providing for matters necessary or convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:

(a) The execution by regional officers of any power or duty conferred or imposed on any officer pursuant to this Act;

(b) The collection by any regional department or regional officer of statistical or other information required for the purpose of this Act;

(c) The supplying of statistical information to the Chief Statistician by any regional department or regional officer.

All regional officers executing any power or duty conferred or imposed on any officer pursuant to this Act, in pursuance of any arrangement entered into under this section, shall,

for the purposes of the execution of that power or duty, be deemed to be employed under this Act.

The Chief Statistician may enter into an agreement with the Government of a region for the exchange with or transmission to a statistical agency of the region of:

(a) replies to any specific statistical inquiries;

(b) replies to any specific classes of information collected under this Act;

(c) any tabulations and analyses based on replies referred to in (a) or (b).

An agreement with a region for the purposes of this section shall apply only in respect of a statistical agency of the region:

(a) that has statutory authority to collect the information that is intended to be exchanged or transmitted, pursuant to the agreement from a respondent who is subject to statutory penalties for refusing or neglecting to furnish information to the agency or for falsifying information furnished by him to the agency;

(b) that is prohibited by law from disclosing any information of a kind that Statistics Numberland, its officers and employees would be prohibited from disclosing, if the information were furnished to Statistics Numberland;

(c) whose officers and employees are subject to statutory penalties for disclosing any information of the kind described in subparagraph (b).

When any such information is collected by Statistics Numberland from a respondent, Statistics Numberland shall, when collecting information, advise the respondent of the names of any statistical agencies in respect of which the Chief Statistician has such an agreement.

Note: There are many different modes of interaction and cooperation between the national statistical agency and regional bodies. In some countries the national statistical agency has regional offices that are fully under its control (often called the "vertical system"), while in others the regional statistical offices are part of the regional Government (the "horizontal system"). Mixtures of these two systems also exist. Still other types of relationships between regional and central Governments occur in federally structured countries.

2. Sharing of information

The Chief Statistician may enter into an agreement with any department or municipal or other corporation for the sharing of information collected from a respondent.

Such an agreement shall provide:

(a) That the respondent shall be informed by notice that the information is being collected on behalf of Statistics Numberland and the department or corporation, as the case may be;

(b) That where the respondent gives notice in writing to the Chief Statistician that the respondent objects to the sharing of the information by Statistics Numberland, the information shall not be shared with the department or corporation unless the department or corporation is authorized by law to require the respondent to provide that information.

Option

Access to records

A person having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of that information, shall grant access thereto for those purposes to a person authorized by the Chief Statistician to obtain that information or aid in the completion or correction of that information.

3. False or unlawful information

Every person who, without lawful excuse:

(a) Refuses or neglects to answer, or willfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or pertinent thereto that has been asked of him by any person employed or deemed to be employed under this Act; or

(b) Refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form that the person has been required to fill in, and to return the same when and as required of him pursuant to this Act, or knowingly gives false or misleading information or practices any other deception there under is, for every refusal or neglect, or false answer or deception, guilty of an offence and liable on summary conviction to a fine not exceeding or to imprisonment for a term not exceeding or to both.

4. Refusal to grant access to records

Every person:

(a) Who, having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of the information, refuses or neglects to grant access to the information to any person authorized for the purpose by the Chief Statistician; or

(b) Who otherwise in any way willfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act

is guilty of an offence and liable on summary conviction to a fine not exceedingor to imprisonment for a term not exceedingor to both.

Note: Although enforcement by law may not be the ideal way to obtain basic data for statistics (see chapter II, section E.3), most statistics acts contain some provisions to make data collection for statistics statutory.

Options

Coding system for goods

The chief statistician shall establish a coding system for goods imported into and exported from Numberland to enable the collection, compilation, analysis and publication of statistics in relation to those goods.

Forms for statistical data

Instead of, or in addition to, using agents or employees for the collection of statistics under this Act, the Chief Statistician may prescribe that a form be sent to a person from whom information authorized to be obtained under this Act is sought. A person to whom such a form is sent shall answer the inquiries thereon and return the form and answers to Statistics Numberland properly certified as accurate, not later than the time prescribed therefore and indicated on the form or not later than such extended time as may be allowed at the discretion of the Chief Statistician.

Returns under the Income Tax Act

For the purposes of this Act:

- the Chief Statistician, or any person authorized by the Chief Statistician to do so, may inspect and have access to any returns, certificates, statements, documents or other records obtained on behalf of the Minister of National Revenue for the purposes of the Income Tax Act;
- (ii) the Minister of National Revenue shall cause the returns, certificates, statements, documents or other records to be made available to the Chief Statistician or person authorized by the Chief Statistician to inspect the records.

Return of exports and imports from Customs

For the purposes of this Act, the Minister of National Revenue shall cause to be sent to the Chief Statistician returns of imports and exports into and from Numberland and details of the means of transportation used therefore.

Additional options

Population census

(i) A census of population of Numberland shall be taken by Statistics Numberland in the month of in the year, and every tenth year thereafter;

(ii) The census of population shall be taken in such a manner as to ensure that counts of the population are provided for each district of Numberland, as constituted at the time of each census of population.

Agriculture Census

A census of agriculture of Numberland shall be taken by Statistics Numberland in the year and in every tenth year thereafter.

Census questions

The President of Numberland shall, by order, prescribe the questions to be asked in any census taken by Statistics Numberland.

Note: In some countries regulations for censuses are part of the general statistics law; in others censuses are governed by separate legislation.

C. Data Confidentiality

Note: Clearly, confidentiality of individual data is one of the main concerns of the Fundamental Principles. In addition to a general provision in the Statistics Act (article 11 below), an oath of office for statistical personnel (article 12 below) is often part of statistical legislation as well.

1. Prohibition against divulging information

Except for the purpose of communicating information in accordance with any conditions of an agreement made under this Act, and except for the purposes of a prosecution under this Act but subject to this section:

(a) No person, other than a person employed or deemed to be employed and sworn in under this Act, shall be permitted to examine any identifiable individual return made for the purposes of this Act;

(b) No person, who has been sworn in under this Act shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from the disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.

2. Oath of office

The Chief Statistician and every person employed or deemed to be employed pursuant to this Act shall, before entering on his duties, take and subscribe the following oath or solemn affirmation:

I,, do solemnly swear (or affirm) that I will faithfully and honestly fulfill my duties as an employee of Statistics Numberland in conformity with the requirements of the Statistics Act, and of all rules and instructions there under and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment.

Where a person retained under contract to perform special services for the Chief Statistician pursuant to this Act is a legal person, the chief executive officer thereof and such other officers, employees and agents thereof as are used to perform the special services shall, before entering on any of the duties required under the contract, take and subscribe to the following oath or solemn affirmation:

I,, do solemnly swear (or affirm) that I will faithfully and honestly fulfill my duties as an employee of (name legal person) in respect of my employment in carrying out^d in conformity with the requirements of the Statistics Act, and of all rules and instructions there under and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment as described herein.

Options

The Chief Statistician may, by order, authorize the following information to be disclosed:

(a) Information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;

(b) Information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;

(c) Information available to the public under any statutory or other law;

(d) Information relating to any hospital, mental institution, library, educational institution, welfare institution, public utility ^e or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate the particulars to any individual patient, inmate or other person in the care of any such institution;

(e) Information in the form of an index or list of individual establishments, firms or businesses, showing any, some or all of the following in relation to them:

(i) Their names and addresses;

(ii) The telephone numbers at which they may be reached in relation to statistical matters;

(iii) The products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business; or

(iv) Whether they are within specific ranges of numbers of employees or persons engaged by them, or constituting their work force.

3. Information is privileged

Except for the purposes of a prosecution under this Act, any return made to Statistics Numberland pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings whatever.

No person sworn under this Act shall by an order of any court, tribunal or other body be required in any proceedings whatever to give oral testimony or to produce any return, document or record with respect to any information obtained in the course of administering this Act.

4. Disclosing secret information

Every person who, after taking the oath under this Act:

(a) Willfully discloses or divulges directly or indirectly to any person not entitled under this Act to receive the same any information obtained by him in the course of his employment that might exert an influence on or affect the market value of any stocks, bonds or other security or any product or article; or

(b) Uses any information described above in sub-paragraph (a) for the purpose of speculating in any stocks, bonds or other security or any product or article;

is guilty of an offence and liable on summary conviction to a fine not exceeding, or to imprisonment for a term not exceeding, or to both.

Options

Personation of Statistics Numberland employee

Every person who:

(i) Impersonates an employee of Statistics Numberland for the purpose of obtaining information from any person; or

(ii) Represents himself as making an inquiry under the authority of this Act when the person is not an officer, employee or agent of Statistics Numberland,

is guilty of an offence and liable on summary conviction to a fine not exceeding, or to imprisonment for a term not exceeding six months, or to both.

Application of fines

All fines imposed pursuant to this Act belong to the Government of Numberland and shall be paid to the Receiver General.

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