

United Nations Economic Commission for Latin America and the Caribbean

Policy Brief
LC/CAR/2019/20/Rev.1
16 January 2020

Incorporating the United Nations Fundamental Principles of Official Statistics in Caribbean national statistical legislation

Introduction

The United Nations Fundamental Principles of Official Statistics (UNFPOS) are considered the basic framework that National Statistical Systems (NSS) must observe in order to produce high-quality, independent statistics that support informed decision-making and public confidence in government.

The UNFPOS were first adopted in 1994 by the United Nations Statistical Commission. These principles were subsequently endorsed by the United Nations Economic and Social Council (ECOSOC) in 2013¹ and the United Nations General Assembly in 2014.² Statistical laws in the Caribbean have lagged in incorporating the UNFPOS. However, in some cases, National Statistical Offices (NSO) are implementing the principles in practice.

This Policy Brief highlights areas of consideration for policy makers to ensure that official statistics produced by Caribbean countries are of the highest quality and in conformity with international standards.

Key recommendations:

Caribbean countries will improve the quality, readiness, and dissemination of official statistics by fully incorporating the UNFPOS in national statistical legislation. This can be achieved by amending current laws, as required, or creating new legislation that:

- **Guarantees NSOs' independence and impartiality;**
- **Establishes scientific standards, codes of professional ethics and quality management frameworks;**
- **Requires annual work plans, dissemination calendars, audits and reporting;**
- **Empowers NSOs to comment on erroneous interpretation and misuse of statistics;**
- **Removes barriers for NSOs to collect administrative data from other government bodies;**
- **Enables electronic data provision and dissemination, information-sharing agreements, and microdata access;**
- **Ensures data security and corresponding security measures, including data anonymization and warehousing; and**
- **Requires international cooperation and use of regional and international standards.**

¹ ECOSOC Resolution 2013/21 of 24 July 2013.

² UNGA Resolution 68/261 of 29 January 2014.

Background

Data plays a critical role in the achievement of sustainable development – from planning to implementation and monitoring and reporting.

The data revolution for sustainable development has heralded a renewed focus on evidence-based processes in policy planning and implementation, but the legal foundation for the production of official statistics to inform these processes has lagged in time among most Caribbean countries.

With advancements in computing and information technology, the data revolution also requires modern, non-traditional approaches to production and dissemination of official statistics be mainstreamed. Furthermore, effective monitoring of and reporting on the SDGs will require high quality, timely, disaggregated data and statistics at the sub-national, national, regional and global levels.

The existence of a legal framework that adequately responds to these challenges is a critical enabling factor for NSS to meet their national statistical obligations as well as to respond to the 2030 Agenda’s demand for data.

The 2030 Agenda has brought about a renewed interest in official statistics, including a recognition of the importance of national incorporation of the UNFPOS. Therefore, it is an opportune time for Caribbean countries to review their statistical legislation with a focus on fully incorporating the UNFPOS in order to improve the production and dissemination of quality official statistics in the subregion.

United Nations Fundamental Principles of Official Statistics

The United Nations Statistical Commission highlighted the fundamental importance of national statistics for national and global development with the adoption of the UNFPOS (see Table 1) in 1994.

Table 1
The ten UNFPOS and their elements

Principle	Elements
<i>Principle 1: Relevance, impartiality and equal access</i>	Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honor citizens’ entitlement to public information.
<i>Principle 2: Professional standards and ethics</i>	To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.
<i>Principle 3: Accountability and transparency</i>	To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.
<i>Principle 4: Prevention of misuse</i>	The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.
<i>Principle 5: Sources of official statistics</i>	Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.
<i>Principle 6: Confidentiality</i>	Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.
<i>Principle 7: Legislation</i>	The laws, regulations and measures under which the statistical systems operate are to be made public.

Principle	Elements
Principle 8: National coordination	Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system
Principle 9: Use of international standards	The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels
Principle 10: International cooperation	Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

Source: United Nations General Assembly Resolution A/RES/68/26 adopted on 29 January 2014

In reaffirming the UNFPOS in 2014, the United Nations General Assembly stressed that “the fundamental values and principles that govern statistical work have to be guaranteed by legal and institutional frameworks”.³ The following year, the United Nations Statistics Division published Implementation Guidelines for the Fundamental Principles, which suggest actions for the practical and effective implementation of each principle and make recommendations on how to ensure a high level of independence of NSS.⁴

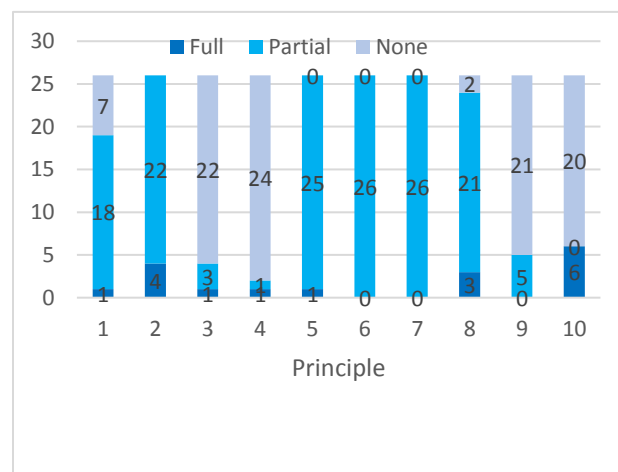
Arising from the need to appraise the implementation of the principles and the absence of uniform guidelines for evaluating compliance, the United Nations Statistical Commission, at its meeting in March 2019, adopted a supplementary chapter for the UNFPOS Implementation Guidelines, which sets criteria for evaluating actual and/or perceived non-compliance of NSS to these principles. While compliance goes beyond the mere reflection of the UNFPOS in statistical legislation and policies, incorporating these principles in statistical laws facilitates compliance.

Gaps in Statistical Legislation in the Caribbean

In a recent study⁵, ECLAC conducted a review of 26 statistical legislations of 24 Member and Associate Member Countries of the Caribbean Development and Cooperation Committee (CDCC)⁶ to assess the extent to which UNFPOS are incorporated in these laws.

None of the statistics laws reviewed fully incorporated the UNFPOS. However, all laws either fully incorporated or partially incorporated Principle 2 (on professional standards and ethics), Principle 5 (on source of official statistics), Principle 6 (on confidentiality), and Principle 7 (on legislation). On the other hand, all laws, except two, failed to incorporate Principle 4 (on prevention of misuse). Figure 1 provides a summary of the level of incorporation of each principle in the 26 pieces of statistical legislation.

Figure 1
Level of incorporation of the UNFPOS in 26 statistical legislations of Caribbean countries (Number of legislative framework)



Source: Prepared by the authors.

³ UNGA Resolution 68/261 of 29 January 2014.

⁴ United Nations Statistics Division, 2015.

⁵ Bleeker and Abdulkadri, 2019. A review of Caribbean national statistical legislation in relation to the United Nations Fundamental Principles of Official Statistics. ECLAC Studies and Perspectives (forthcoming).

⁶ Efforts to source the statistical laws of Cuba, Haiti, Guadeloupe, Martinique and the United States Virgin Islands did not yield results, hence, these countries are not included in the review. Two draft statistics bills of Grenada and Trinidad and Tobago were included in the review, in addition to the current Statistics Acts of the two countries.

Relevance, Impartiality and equal access (Principle 1)

Seventeen Caribbean statistical laws and bills partially incorporate Principle 1 on relevance, impartiality and equal access. Only one statistical law fully incorporates Principle 1 while seven do not.

This principle recognizes that official statistics are an indispensable element of democratic governance and essential for evidence-based decision making. As an important public good, they must meet users' needs and be made available on an impartial and equal basis. To this end, legal frameworks should require NSOs to be independent and impartial; to develop, produce, and publish statistics following professional standards; and to treat all users in the same way.

A major shortcoming of many Caribbean statistical laws is that the NSO must seek ministerial approval before publishing statistics, thereby creating the risk of political interference.

Professional standards and ethics (Principle 2)

Three Caribbean statistical laws fully incorporate Principle 2 on professional standards and ethics and the remaining legal frameworks partially incorporate this principle.

This principle requires NSOs to strictly follow scientific standards and professional ethics in the production of official statistics and for safeguards to be put in place to protect scientific independence.

Most laws in the subregion fail to meet the basic standard of requiring NSOs to apply scientific standards and professional ethics and guarantee the protection of scientific independence.

Accountability and transparency (Principle 3) and prevention of misuse (Principle 4)

Principles 3 and 4 are two of the least incorporated UNFPOS in the Caribbean. Only one Caribbean statistical law fully incorporates Principle 3, while

the legal frameworks of three other countries partially incorporate it. With respect to Principle 4, only one law fully incorporates the principle while another partially incorporates it.

To fully incorporate Principle 3, statistical laws should require statistics to be compiled in a transparent and scientific manner. This could include, for example, requiring the NSO to provide an indication of the quality of the data it publishes. Principle 4 requires NSOs to be empowered to comment on erroneous interpretation and misuse of statistics. The law should, therefore, include provisions for reporting and investigating any erroneous interpretation or misuse of data.

Sources of official statistics (Principle 5)

Principle 5 is one of the better incorporated UNFPOS in the Caribbean, with one Caribbean statistical law achieving full incorporation and all the others achieving partial incorporation.

This principle requires legal frameworks to contain a clear mandate for NSOs to collect data from physical and legal persons as well as government bodies. Laws should oblige response to NSOs' enquiries and include penalties for non-response. Furthermore, NSOs should be required to work on improving data quality and timeliness, reduce reporting burden on individuals and other data providers, and have a quality management framework for its outputs.

Most Caribbean statistical laws allow NSOs to collect data from individuals, legal persons, and government bodies. Some legal frameworks have a strong mandate to collect administrative data from public bodies. This broad authority empowers the NSO to negotiate data sharing agreements with other government departments.

Some NSOs have adopted a quality management framework, although it is not a requirement of their legislation.

Confidentiality (Principle 6)

To fully incorporate Principle 6, legislation should at a minimum guarantee: the privacy of data providers and the confidentiality of the information they provide; the security of information received from data providers; and its use only for statistical purposes.

Confidentiality is one of the best incorporated UNFPOS in statistical laws of Caribbean countries. All laws contain a provision protecting against the release of data that could lead to the identification of an individual. In most cases, these protections also extend to undertakings and businesses. Data enabling the identification of an individual can usually be published in some exceptional situations, including with the individual's written consent or for the purposes of a prosecution under the legislation. All laws from the English-speaking Caribbean, except for Dominica's, require staff to sign a confidentiality agreement or oath of secrecy on appointment.

Caribbean laws partially incorporate Principle 6 at a universal level but fall short of fully incorporating it in some crucial respects. None of the laws guarantee the security of information received from data providers, meaning protection against unauthorized access to information held by the NSO as opposed to protection of an individual's personal data. Furthermore, only a few laws guarantee the use of data received from data providers solely for statistical purposes.

Legislation (Principle 7)

To fully incorporate Principle 7, laws must adequately cover the responsibilities and duties of the NSO and other critical aspects of a NSS. At a minimum, this includes setting out the independence of the NSO and its duties and responsibilities; secrecy, confidentiality and privacy obligations; cross-government coordination of statistical

activities; the relationship between the legal framework and other legislation; and the relationship between the NSO and other government bodies. Furthermore, the law should be modern, specific to statistics, include reference to the UNFPOS and be available online.

No statistical laws in the Caribbean fully incorporate the requirements for legislation found in Principle 7 but all countries partially incorporate this principle in some respect. Although many Caribbean countries have recently updated or are in the process of updating their statistical legislation, five laws are still in place that were enacted more than 30 years ago.⁷

All Caribbean statistical laws are specific to statistics, but only a handful provide for modern statistical practices, like providing researchers access to microdata or ensuring online dissemination of statistics.

National coordination (Principle 8)

Only two Caribbean statistical laws fail to incorporate all requirements of Principle 8 on national coordination, making it one of the best incorporated UNFPOS in the Caribbean. Two laws and one bill fully incorporate the principle, while the remaining laws partially incorporate it.

Principle 8 recognizes that national bodies producing statistics must coordinate their activities in order to achieve consistency and efficiency in the NSS. To incorporate this principle, legal frameworks should include a responsibility for the NSO to coordinate the activities of all national bodies producing statistics. The framework should also include organizational arrangements to coordinate data collection and set statistical standards at the national level.

Nearly all Caribbean legal frameworks include national coordination and collaboration as duties of the head of the NSO. However, only two laws and a

⁷ The Bahamas' Statistics Law of 1973; Barbados' Statistics Act 1958; Dominica's Census and Statistics Act 1986; Grenada's Statistics Act Cap. 311 of 1960 (although at the time of writing, Grenada had

drafted new legislation, the Statistics Bill 2017); and Saint Vincent and the Grenadines' Census and Statistics Act 1983.

bill fully incorporate this principle by putting organizational arrangements in place to facilitate coordination and the creation of national standards.

Use of international standards and international and regional cooperation (Principles 9 and 10)

Principle 9 on use of international standards and Principle 10 on international and regional cooperation are two of the least addressed UNFPOS in statistical laws of Caribbean countries.

To fully incorporate Principle 9, a legal framework should require NSOs to apply international standards to their work in areas such as national accounting and environment, economic, social and demographic statistics. Furthermore, laws should address the comparability of data between countries. Under Principle 10, legal frameworks should require NSOs to engage in forms of international cooperation.

Five Caribbean laws or bills partially incorporate Principle 9. These same laws and bills fully incorporate Principle 10. Another law fully incorporates Principle 10 but does not incorporate Principle 9. The remaining legal frameworks make no mention of international cooperation or the application of international standards, thereby not incorporating either Principle 9 or 10.

Recommendations

To address the gaps in statistical legislation identified in this Policy Brief, the following recommendations are provided for Caribbean countries seeking to revise their laws. Implementation of these recommendations will ensure that the UNFPOS are fully incorporated in national statistics acts, laws, and ordinances.

Guarantee NSOs' independence and impartiality

Despite the centrality of NSOs' independence in creating public trust and confidence in official statistics, only two Caribbean statistical laws include provisions requiring NSOs to be independent and impartial.

The independence of NSOs can be ensured through the creation of an independent Statistical Institute or by granting autonomous status to an existing National Statistical Office. Whatever the arrangement, statistical legislation should provide for and define professional independence and impartiality of the NSO.

Establish scientific standards, codes of professional ethics and quality management frameworks

It is rare for Caribbean national statistical frameworks to include provisions to ensure scientific standards and professional ethics, and to guarantee protection of scientific independence.

Legislation should include an obligation to formulate and apply such standards and require the NSO to coordinate and promote the use of the standards across the NSS. NSOs should have the option of adopting international or regional standards or creating national standards based on internationally-accepted standards.

In addition, NSSs should be required to establish a national Code of Ethics or Best Practice or adopt a regional code and put in place measures to support statistical authorities in applying this code. Requiring NSSs to establish quality management frameworks would support data producers to apply professional standards and ethics to their work programme outputs.

Require annual work plans, dissemination calendars, audits and reporting

Only a handful of Caribbean statistical frameworks require the preparation of annual work programmes, dissemination calendars and annual reports.

Statistical frameworks should require NSOs to have both an annual work programme and dissemination calendar in place, and the NSO should be free from political interference when preparing these plans. To this end, it should not require approval from a

minister or other political office holders on technical matters and decisions.

Legislation should also require annual reports to be prepared and made public and for NSOs to undergo an annual audit in order to verify the completion of the annual work programme.

Empower NSOs to comment on erroneous interpretation and misuse of statistics

In this ‘post-truth’ era,⁸ the ability to comment on erroneous interpretation and misuse of statistics plays a crucial role in restoring trust and confidence in official statistics when misuses occur. Misuse of statistics can cause incorrect policy decisions and inaccurate reporting on the SDGs, for instance.

However, Principle 4 on prevention of misuse is the least incorporated UNFPOS in Caribbean national statistical frameworks. As a component of professional independence, statistical legislation should empower NSOs and other data producers to comment publicly on statistical issues and any misuse of official statistics.

Remove barriers for NSOs to collect administrative data from other government bodies

In some Caribbean countries, public sector bodies are reluctant to share data within the NSO. This can result from the absence of a clear mandate for NSOs to collect administrative data, a lack of systems and procedures in place to allay privacy and security concerns, and ministries and departments operating in organizational silos. In some cases, privacy protections are routinely relied on to withhold data from the NSO.

This points to the need to develop legal frameworks that remove barriers to the collection of administrative data and create incentives for the

timely sharing of reliable data. Frameworks should clearly address the relationship between an obligation to provide administrative data in statistical legislation and privacy protections in other legislation. Administrative procedures and penalties should also be laid down for failure to comply with a request to provide information in a timely manner.

Enable electronic data provision and dissemination, information-sharing agreements, and microdata access

Reporting on the SDG indicators requires countries to develop new tools and frameworks to harness the power of technology, produce disaggregated data, exchange and share large amounts of data, coordinate data producers, and meet users’ needs.

An enabling legal framework is essential for the development of such tools and frameworks as it provides the NSO with its mandate and defines the boundaries on data use.

Statistical frameworks should enable respondents and data producers to transmit information electronically. Beyond a basic provision requiring public and private sector bodies to share and produce data, legislation should also include an obligation to collect and provide disaggregated data, give access to anonymized microdata, and enter into public sector information-sharing agreements.

Ensure data security and corresponding security measures, including data anonymization and warehousing

At present, no Caribbean statistical laws guarantee the security of information received from data providers.

Large data sets create unprecedented risks and challenges for NSS, with countries often struggling to foresee information security breaches before they

⁸ UN News, ‘In ‘post truth’ era, leaders must defend objective, independent media, UN says on Press Freedom Day’ [online] [date of reference: 31 October 2019]

<https://news.un.org/en/story/2017/05/556472-post-truth-era-leaders-must-defend-objective-independent-media-un-says-press>.

occur. To enable NSS to respond to these challenges, national statistical legislation must guarantee the security of information received from data providers and its use only for statistical purposes.

Require international cooperation and use of regional and international standards

At present, only a minority of Caribbean statistical frameworks require the use of international standards or international cooperation. NSOs' application of international standards and cooperation with other NSS and international organisations enhances the quality and relevance of national statistics.

In an increasingly globalised world, users of official statistics rely heavily on cross-border comparisons. International and regional organisations play an important role in facilitating statistical coordination, including standard setting and facilitating the comparability of data. When NSS do not cooperate and observe international standards, comparability cannot be guaranteed, and data loses its relevance and utility.

Conclusion

The 2030 Agenda for Sustainable Development has brought about a renewed interest in official statistics, thus providing Caribbean countries with the opportunity to review their statistical legislation with a focus on fully incorporating the UNFPOS.

Caribbean countries are encouraged to seize this opportunity in order to improve their ability to undertake evidence-based policy making, respond to the data revolution for sustainable development, and improve the production and dissemination of quality official statistics in the subregion.

It is important to note, however, that when aligning statistical frameworks with the UNFPOS, countries have the option of drafting new statistical legislation or amending their current law. For the most part, bringing legislation in line with the UNFPOS will require extensive changes to a country's legislation. In this circumstance, creating new legislation will

prove more efficient and beneficial than amending the existing law.

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