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**PROPOSAL FOR A GENERIC LAW ON OFFICIAL STATISTICS  
FOR LATIN AMERICA**





## INTRODUCTION

This document is an adaptation of the document on the Generic Law on Official Statistics for Eastern Europe, Caucasus and Central Asia, published by the Economic Commission for Europe (UNECE) in 2016.<sup>1</sup>

The purpose of this Generic Law is to provide a regional model for Latin American countries that are interested in formulating or reformulating the legal basis for the functioning of their *National Statistical Systems* (NSS) and the production of official statistics.

The Generic Law defines the rights and obligations of the bodies that compose the *National Statistical System* as well the principles and procedures to be applied in producing and disseminating official statistics. The organizational model proposed by the Generic Law defines the *National Statistical Office* (NSO) as the leading authority of the *National Statistical System* and as a professionally independent body. The Law also lays down the rights and obligations of respondents and regulates the access of agencies producing official statistics to different data sources.

The adaptation process consisted of carefully reviewing the Generic Law and adding, modifying or eliminating articles according to their relevance and applicability to Latin American countries. The adaptation maintains the structure and spirit of the original document and its full compliance with the Fundamental Principles of Official Statistics. A thorough review was also performed of the explanatory notes to the Law, which provide useful information on the context and purposes of the articles.

The goal of having a version of the document produced by UNECE (2016) that was adapted to the Latin American reality was put forward by the members of the Working Group on Institution-building of the Statistical Conference of the Americas of the Economic Commission for Latin America and the Caribbean (ECLAC), at the regional workshop on legal frameworks for the production of official statistics held in Bogotá on 3–5 July 2018. This task was undertaken jointly by experts from *National Statistical Offices*, the Inter-American Development Bank (IDB) and ECLAC, which also acted as technical secretariat for the process.

The text was revised and modified through online exchanges among experts during the first half of 2019 and at a face-to-face meeting held in San Salvador on 29–30 August 2019. The following experts contributed to the preparation of this document: Carlos Criales (National Institute of Statistics of the Plurinational State of Bolivia); Mercy García, Helen Navarro and Julieth Solano (National Administrative Department of Statistics (DANE) of Colombia); Lidia González (National Institute of Statistics and Censuses (INEC) of Costa Rica); Katherine Alzamora, Ivonne Benitez and Alexandra Suasnavas (National Institute of Statistics and Censuses (INEC) of Ecuador); Jorge Ventura (National Institute of Statistics and Geography (INEGI) of Mexico); Leopoldo López and José Quiñonez (Department of Statistics, Surveys and Censuses (DGEEC) of Paraguay); Ximena Clark, José Antonio Mejía and Danielle Zaror (Inter-American Development Bank (IDB)); Gabriel Gámez (United Nations Statistics Division) and Xavier Mancero and Rocío Miranda (Statistics Division of the Economic Commission for Latin America and the Caribbean (ECLAC)). The authors wish to express particular thanks for the financial support from IDB which contributed to the success of this joint effort.

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<sup>1</sup> See Economic Commission for Europe (UNECE), Generic Law on Official Statistics for Eastern Europe, Caucasus and Central Asia, (ECE/CES/STAT/2016/3), New York/Geneva, 2016. The adaptation work was limited to the countries that would be able to use the text in Spanish as a basis for analysis and review of their domestic statistical legislation. Therefore, the adaptation does not take into account the specificities of the English-speaking countries of the Caribbean.



## GENERIC LAW ON OFFICIAL STATISTICS FOR LATIN AMERICA

### CHAPTER I - OBJECTIVE AND SCOPE OF THE LAW

#### Article 1 - Objective and scope of the Law

1.1 The present Law establishes the legal framework for the development, production and dissemination of official statistics.

1.2 Official statistics in the context of the present Law:

- (a) Are statistics describing on a representative basis the economic, demographic, social and environmental phenomena of [country name]
- (b) Shall be developed, produced and disseminated in compliance with the provisions of the present Law, the United Nations Fundamental Principles of Official Statistics<sup>2</sup> and the Code of Good Practice in Statistics for Latin America and the Caribbean [National Code of Practice], as well as internationally agreed statistical standards and recommendations
- (c) Shall be referred to unequivocally as official statistics

1.3 The provisions of this Law shall apply to any data gathered or obtained for statistical purposes by *Producers of Official Statistics*.

#### Article 2 - Parties to the Law

2.1 The *National Statistical System* of [country name], consisting of *Producers of Official Statistics* within [country name], comprises:

- (a) the *National Statistical Office* [replace with its official name in all parts of the Law], which is the leading authority of the *National Statistical System*;
- (b) *Other Producers of Official Statistics*, consisting of organizational entities of national authorities, as well as the central bank, that develop, produce and disseminate official statistics in accordance with the present Law.
- (c)

2.2 *Respondents*, consisting of persons, households, private and public entities that are requested to provide information about themselves, including their activities, through data collections carried out by *Producers of Official Statistics*.

2.3 *Administrative data providers*, consisting of national and local authorities, the Central Bank and other entities that provide *Producers of Official Statistics* with data collected primarily for administrative purposes.

2.4 *Users of official statistics*, including the general public, the media, researchers and students, businesses, national and local authorities, non-governmental organizations, international organizations and authorities of other countries who receive or access official statistics.

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<sup>2</sup> A/RES/68/261.

2.5 The *Statistical Council*, comprising different user categories to advise on priority information requirements, as described in article 8.

## CHAPTER II - FUNDAMENTAL PRINCIPLES AND DEFINITIONS OF OFFICIAL STATISTICS

### Article 3 - Fundamental principles of official statistics

3.1 *Producers of Official Statistics* shall develop, produce and disseminate official statistics of [country name] according to the following fundamental principles of official statistics and other agreed statistical principles:

- (a) **Professional independence**, meaning that *Producers of Official Statistics* shall decide, independently and free from any pressures or interference from political or other external sources, on the development, production and dissemination of statistics, including the selection of data sources, concepts, definitions, methods and classifications to be used, and the timing and content of all forms of dissemination. *Producers of Official Statistics*, in their respective areas of competence, may comment publicly on statistical issues and any misuse of official statistics.
- (b) **Impartiality and objectivity**, meaning that official statistics shall be developed, produced and disseminated in a neutral, reliable and impartial manner according to professional standards and free from any political statements or considerations. Equal and simultaneous access to official statistics shall be provided to all users.
- (c) **Accuracy and reliability**, meaning that official statistics shall reflect reality as faithfully, accurately and consistently as possible and be based on scientific criteria used for the selection of sources, methods and procedures.
- (d) **Coherence and comparability**, meaning that statistics shall be consistent internationally and comparable over time and across regions and countries.
- (e) **Clarity and transparency**, meaning that official statistics shall be presented in a clear and understandable way, and the methods and procedures applied shall be transparently communicated to users to facilitate proper interpretation.
- (f) **Statistical confidentiality and exclusive use for statistical purposes**, meaning that individual data collected or obtained by *Producers of Official Statistics* that refer to natural or legal persons shall be strictly confidential, and shall be used exclusively for statistical purposes and accessed only by those authorized to do so by the present Law.
- (g) **Relevance**, meaning the degree to which official statistics shall meet current and emerging user needs and honour citizens' right to public information.
- (h) **Cost-effectiveness**, meaning that the best possible use shall be made of all available resources to achieve the desired result. The results of statistical work shall be planned taking full advantage of technological advances and weighed up against the efforts required of the *National Statistical System* and the burden on suppliers of inputs for statistical work.

## Article 4 – Definitions

4.1 For the purpose of the present Law, the following definitions shall apply:

- (a) **Use for statistical purposes** means the exclusive use of data for the development, production, release and dissemination of official statistics, quality improvement, statistical analyses and statistical services, including all activities regulated by the present Law.
- (b) **Statistical survey** means the primary collection of individual data from respondents of a given population carried out by a *Producer of Official Statistics* exclusively for statistical purposes through the systematic use of statistical methodology.
- (c) **Administrative data** means data collected by, or on behalf of, national and local authorities including the central bank, whether or not they are *Producers of Official Statistics*, for administrative purposes in conformity with legal bases other than statistical legislation.
- (d) **Statistical data** means data collected or compiled for statistical purposes.
- (e) **Statistical unit** means the basic unit of observation to which the data refer, which may be a natural or legal person, household or economic entity or of another nature.
- (f) **Individual data** means the most detailed level of data about statistical units.
- (g) **Identifier** means a sequence of characters allowing unique identification of a statistical unit from its name, exact geographical location or identification number. An identifier may allow direct identification, meaning the identification of an individual statistical unit from one or a combination of identifiers. Identification done by any other means is referred to as indirect identification.
- (h) **Dissemination** means the activity of making official statistics, statistical analyses, statistical services and metadata accessible to users.
- (i) **Release** means the dissemination activity by which official statistics, including revised statistics, become publicly known for the first time.
- (j) **Production** means all the activities related to the necessary collection, processing, analysis and storage of data to compile official statistics.
- (k) **Development** means the activities to set up, strengthen and improve statistical methods, concepts, standards and procedures used for the production and dissemination of official statistics.
- (l) **Metadata** means data and other documentation that describe statistical data and statistical processes in a standardized way by providing information on data sources, methods, definitions, classifications and data quality.
- (m) **Coordination of statistical activities** means the synchronization and integration of nationally and internationally agreed methods, classifications, definitions and concepts among *Producers of Official Statistics* to ensure successful implementation of statistical programmes.

## CHAPTER III - ORGANIZATION OF THE NATIONAL STATISTICAL SYSTEM

### Article 5 - National Statistical Office

5.1 The *National Statistical Office* is a professionally and technically independent body [attached to / answerable to / related to / organized under the authority of] the [specific ministry / President of the country].

5.2 The *National Statistical Office* is the main *Producer of Official Statistics* in [country name] and responsible for coordinating all activities for the development, production and dissemination of official statistics within the *National Statistical System*.

5.3 The *National Statistical Office* shall ensure that the statistics of the *National Statistical System* are produced in a timely and comparable manner, guide and review application of statistical methodologies and standards, conduct research and take actions to continuously improve official statistics, in collaboration with other *Producers of Official Statistics*.

5.4 The *National Statistical Office* shall advise the government and the public on matters related to the collection of data, statistical methodologies, release, dissemination and use of statistics.

5.5 The *National Statistical Office* shall not be assigned responsibilities that contravene the provisions and principles of article 3 of the present Law.

5.6 The *National Statistical Office* shall promote the generation and use of geographic and geospatial information for the production and release of official statistics.

5.7 The *National Statistical Office* shall be solely responsible for planning and performing official censuses.

### Article 6 - Director of the National Statistical Office [replace with the official title everywhere in the Law]

6.1 The *National Statistical Office* shall be led by the *Director* [replace with the official title everywhere in the Law] appointed by [President of the country on the proposal of the government or the process established for this purpose] for a fixed term of [no fewer than 5] years, which does not coincide with the term of office of the government, based on professional competences, through [a publicly announced vacancy and an open competition / a legislative ratification mechanism]. The *Director's* first term of office may be renewed once for the same duration as the appointment being renewed. [Any further renewal shall be done exclusively on the basis of a new publicly announced vacancy and an open competition.]

6.2 The term of office of the *Director of the National Statistical Office* may not be terminated before its expiry for any reasons compromising statistical principles. The term of office may be terminated only for the following reasons:

- (a) The *Director's* own resignation.
- (b) Termination of citizenship.
- (c) A court decision declaring the Director incapable or of limited capacity to work.



- (d) A sentence of the court for wilful crime, or imprisonment according to a sentence of the court.
- (e) Death of the *Director*.
- (f) The use for the *Director's* own benefit or that of third parties of the confidential information or information of another nature that is available to the *Director* by reason of his or her position, or disclosure of such information in a way that is not explicitly authorized by this Law.
- (g) The *Director's* failure to recuse him or herself from decision-making processes in which his or her personal interests are in conflict with those of the *National Statistical Office*.
- (h) Deliberately overstepping the bounds of the duties of the position, or wilfully failing to fulfil said duties, as defined in [applicable law].

6.3 The *Director* shall foster the professional independence of the *National Statistical System* and lead the strategic development of official statistics, partnerships and stakeholder relations to enhance the value of official statistics [and shall promote fulfilment of statistical operations]. The *Director* shall represent the *National Statistical System* at the international level and shall coordinate the international collaboration of the *National Statistical System*.

6.4 The *Director* shall be responsible for the executive management and development of the *National Statistical Office* and its staff, including its central and regional offices (if applicable), in full conformity with statistical legislation and with professional independence. The *Director* shall decide on the structure, functions, use of resources and appointment of staff, in strict accordance with the relevant regulations and procedures.

6.5 In the event of absence or permanent incapacitation, the *Director* shall be replaced by the legal deputy, with the same duties and functions, until a new competition based on professional competences is called, which shall occur before the end of the original term of office for which the *Director* was appointed.

6.6 The *Director* shall decide on the content of the draft multi-year and annual statistical programmes and the implementation reports, in compliance with the procedures defined in articles 11–14 (chapter V).

6.7 The *Director* may approve and issue standards and guidelines, based primarily on internationally accepted standards and statistical best practices, such as [resolutions, circulars, protocols or other legal category] to be applied across the *National Statistical System* for the development, production and dissemination of official statistics.

6.8 The *Director* may promote the use of the classifications, standards and terminology applied in official statistics by respondents and *Administrative data providers*.

6.9 The *Director* shall facilitate the correct interpretation of statistics and shall have the power to comment on the use, misuse or misinterpretation of statistics.

6.10 The *Director* shall promote a culture of statistics, in conjunction with other producers of statistics and multilateral bodies.

## Article 7 - Other Producers of Official Statistics

7.1 *Other Producers of Official Statistics* shall be professionally independent entities or units within their respective organizations with exclusive or primary activities related to the development, production and dissemination of official statistics. These entities shall not be assigned responsibilities that contravene the provisions and principles of article 3 of the present Law.

7.2 The heads of *Other Producers of Official Statistics* shall be responsible for the development, production and dissemination of official statistics, as stipulated in the annual statistical programme. These functions shall be carried out in full conformity with the Fundamental Principles of Official Statistics, statistical legislation and standards issued by the *Director* of the governing body for statistics.

7.3 The heads of *Other Producers of Official Statistics* shall be appointed based on the relevant professional competence.

## CHAPTER IV - STATISTICAL COUNCIL AND OTHER ADVISORY BODIES

### Article 8 - Statistical Council

8.1 The *Statistical Council* shall be the main advisory body to the Government and the *Director of the National Statistical Office* on issues of strategic importance to official statistics of [country name]. The mandate and composition of the *Statistical Council*, as well as its work and records, shall be public.

8.2 The *Statistical Council* shall be composed of at least [insert number] appointed members who broadly represent different user categories, proposed by the *National Statistical Office*. The *Director of the National Statistical Office* shall be a member of the *Statistical Council*, and the *National Statistical Office* shall provide the executive secretariat. The *National Statistical Office* shall be granted adequate resources necessary for covering the costs of the functioning of the *Statistical Council*.

8.3 The members of the *Statistical Council* shall be appointed ad honorem by the [government / President of the country] upon a proposal on the bodies or groups to be represented. Their period of office shall be limited to [insert number] years. The members of the *Statistical Council* shall perform their functions outside the hierarchy that applies to their posts in the institutions they represent. The *Statistical Council* shall elect from its members a Chairperson.

8.4 The *Statistical Council* shall perform the following tasks:

- (a) Make proposals for strategic development of official statistics and ensure that statistical programmes reflect the priority information needs of public policy and society.
- (b) Promote the transparency and accountability of the *National Statistical System* and evaluate the implementation of statistical programmes and follow up on the implementation of strategic development activities.
- (c) Assess and advise on issues of compliance with the principles of official statistics.
- (d) Promote the use of official statistics as evidence for formulation and evaluation of public policy and in decision-making.

- (e) Adopt the rules of procedure of the *Statistical Council* to regulate its tasks, organization, working methods and decision-making.
- (f) Other functions entrusted to it by this Law.

8.5 The *Statistical Council* may participate in independent external evaluations of specific domains, activities or organizational entities within the *National Statistical System*.

#### **Article 9 – Statistical Coordination Committee**

9.1 The *Statistical Coordination Committee* shall comprise the *Producers of Official Statistics*, and shall be convened and chaired by the *Director* [replace with official title] of the *National Statistical Office*, to organize the activities of the *National Statistical System* that so require, such as formulation of statistical programmes, shared rules on confidentiality and quality assurance frameworks.

9.2 All *Producers of Official Statistics* shall adopt and implement, whenever possible, uniform or standardized and internationally agreed concepts, definitions, classifications and methods. The *National Statistical Office* shall assist in the implementation of common practices throughout the *National Statistical System*.

#### **Article 10 - Other advisory bodies**

10.1 The *Director of the National Statistical Office* may set up other advisory or decision-making bodies for thematic areas, with members from within and outside the *National Statistical System* in support of strategic and methodological activities in official statistics. The mandates and composition of these bodies, as well as their work, shall be public.

### **CHAPTER V - COORDINATION OF THE NATIONAL STATISTICAL SYSTEM AND STATISTICAL PROGRAMMES**

#### **Article 11 - Programming of national statistical activities**

11.1 Statistical programmes, including a *multi-year statistical programme* and an *annual statistical programme*, shall be established as key instruments for effective management and coordination of strategic and operational activities in the *National Statistical System*.

11.2 The *National Statistical Office* shall be in charge of preparing the statistical programmes, in close consultation with *users of statistics*, *respondents* and *administrative data providers*. *Other Producers of Official Statistics* shall participate in the process and provide the *National Statistical Office* with the necessary inputs.

11.3 The *Director of the National Statistical Office* shall decide on the inclusion of producers, the output that must be delivered and related activities in the statistical programmes based on a transparent, documented process using the following criteria:

- (a) The producer demonstrates its capability and willingness to comply with the provisions of the present Law and the principles of official statistics as defined in articles 1 and 3.

(b) The deliveries and activities shall not duplicate those conducted by other producers nor result in an excessive burden on respondents.

11.4 The *National Statistical Office*, in close coordination with the *Other Producers of Official Statistics*, shall be in charge of reporting on the implementation of the statistical programmes including, if needed, measures for improvement. The reports shall be submitted for opinion to the Statistical Council and to other entities that represent users. The implementation reports and the opinion of the Statistical Council shall be made public.

## **Article 12 - Multi-year statistical programme**

12.1 A *multi-year statistical programme* shall be established for the *National Statistical System* to define the strategic development of official statistics of [country name], aiming at satisfying existing and emerging user needs.

12.2 The *multi-year statistical programme* shall put forward a vision and priorities for the development of the *National Statistical System* for the next [select: five or other number] years and establish the output that must be delivered and measures for said development, taking into account the necessary resources.

12.3 The multi-year statistical programme shall be subject to an evaluation process at least once in the course of its duration.

## **Article 13 - Annual statistical programme**

13.1 An annual statistical programme of the *National Statistical System* shall be established each year as an operational translation of the *multi-year statistical programme* to update the list of *Producers of Official Statistics*, and to provide the basis for:

- (a) The release of all official statistics.
- (b) The performance of all statistical operations, in accordance with their stipulated frequency, by the *Producers of Official Statistics*
- (c) All transmissions of administrative data or data from other existing sources to *Producers of Official Statistics*.
- (d) The main development activities of official statistics that are considered priorities, including the main training programmes, to be implemented by the *Producers of Official Statistics*.
- (e) Production and development of statistical registers.

13.2 The *annual statistical programme* shall include the type and frequency of all official statistics to be released (letter a, paragraph 13.1) as well as, for each, the producer, the relation to international requirements and linkages with strategic activities of the *multi-year statistical programme*.

13.3 The *annual statistical programme* shall include all surveys to be carried out by *Producers of Official Statistics* (letter b, paragraph 13.1) and, for each survey, the methods of data collection, an estimate of the response burden (such as the approximate number and type of respondents) and the statistics to which the survey provides data.

13.4 The *annual statistical programme* shall include a list of all administrative data sets or any other data sets that are made available to *Producers of Official Statistics* (letter c, paragraph 13.1) and, for each data set, the name of the data set, the provider, the receiving *Producer of Official Statistics*, the statistics to which the transmission provides data, the frequency of data transfer and the types of statistical units. This may be replaced by reference to a memorandum of understanding or any other agreement governing the transmission of data that contains the necessary information and is publicly available.

13.5 The *annual statistical programme* shall include information on the main annual development activities (letter d, paragraph 13.1) and their linkages to international requirements and the multi-year statistical programme. The programme shall also include planned internal or external assessments of the functioning of all or parts of the *National Statistical System*.

13.6 The *annual statistical programme* shall include a list of all existing and planned statistical registers (letter e, paragraph 13.1).

#### **Article 14 - Adoption of statistical programmes**

14.1 The *National Statistical Office* shall submit the annual statistical programmes and multi-year statistical programmes to the *Statistical Council* for consideration and subsequently to the government for adoption as [a decree / regulation or other instrument of law] no later than [2–3] months before the start of the reference period of each programme.

14.2 When approving the *annual statistical programmes* and *multi-year statistical programmes*, the government shall not interfere with professional independence, or with statistical activities of autonomous national authorities.

14.3 The *Producers of Official Statistics* shall be granted sufficient human, financial and technical resources for implementation of the statistical programmes.

14.4 The elements of the annual and multi-year statistical programmes that correspond to the central bank shall be made available to the *Statistical Council* and to the government for information purposes only.

### **CHAPTER VI - DATA COLLECTION**

#### **Article 15 - Mandate for data collection**

15.1 The *Producers of Official Statistics* shall have the power to select data sources based on professional considerations and collect the necessary data to compile official statistics directly from respondents. This data collection shall be performed if sufficient data are not already available in the *National Statistical System* and cannot be obtained from existing data from other sources, such as national and local authorities outside the *National Statistical System*.

15.2 Data collection shall be designed with due consideration to quality of statistics, costs of data provision and response burden, and in accordance with the *multi-year statistical programme* or *annual statistical programme*, as appropriate.

15.3 Irrespective of the data collection methods and sources, data obtained by *Producers of Official Statistics* shall be under their ownership and shall be processed, stored and disseminated in full compliance with the provisions of the present Law.

15.4 Within the limits of the provisions on statistical confidentiality (articles 20–26 of this Law), *Producers of Official Statistics* may share data and metadata within the *National Statistical System* for statistical purposes, to avoid any duplication of data collection and improve the quality of official statistics.

## **Article 16 – Respondents**

16.1 Respondents shall be informed about the purpose and scope of statistical surveys, their legal basis, data usage and the measures to ensure confidentiality of data.

16.2 The participation in statistical surveys shall be compulsory for [private and public entities], and for individuals, households and all other respondents.

16.3 The information provided in a statistical survey shall be truthful and submitted within the required time frame, in the required format and free of charge. [In exceptional cases, the *Producer of Official Statistics* may decide to remunerate respondent households for completing a survey that imposes a significant burden.]

16.4 The *Producers of Official Statistics* shall be entitled to follow up with respondents if no reply is received by the deadline, or if inconsistencies or gaps are detected.

## **Article 17 - Access to administrative data**

17.1 All *administrative data providers* shall provide the *Producers of Official Statistics*, free of charge, with the data or records in their possession at the level of detail necessary for the production of official statistics and if possible with the metadata that enable assessment of data quality. Confidentiality or secrecy provisions in other legislation cannot be invoked unless the legislation explicitly excludes the use of data for statistical purposes.

17.2 *Administrative data providers* shall maintain continuity in data provision, to the extent possible. If the *administrative data providers* plan to develop a new data collection or carry out a major revision or update of their data collection or processing in a way that may affect data provided for official statistics, they shall consult the *National Statistical Office* and, where appropriate, the *Other Producers of Official Statistics*, in advance of the decision.

17.3 The public institutions in charge of administrative registers or cadastres that are considered useful for generating official statistics shall implement continuous improvement plans, adopt guidelines and comply with implementation regulations and standards, in line with the recommendations of the *National Statistical Office*.

## **Article 18 – Censuses**

18.1 A census is an operation that produces, on the basis of exhaustive enumeration, data on the size and structure of the population, housing, economic units, establishments, buildings, structures, farms and other properties, enabling forecasts to be made and updates to be applied to sampling frames for units of study.

18.2 The present Law shall be fully applicable to all census operations. Census data may be obtained from statistical surveys, from administrative and other data sources, or from a combination of these. Participation in censuses shall be compulsory for all respondents and for all State institutions. In particular, it shall be possible to request through the appropriate authority that any official of State institutions participate in censuses and for State institutions to provide means of mobilization and other equipment they have available.

18.3 Census operations shall be regulated in more detail in [name of the legal act]. [The legal act shall specify the public bodies outside the *National Statistical System* that shall contribute to census operations at central, regional and local levels. It shall also regulate the characteristics and identifiers to be collected in censuses.]

18.4 Population censuses shall be performed at least every ten years, and intercensal counts may be carried out.

### **Article 19 - Statistical registers**

19.1 The *National Statistical Office* may establish and maintain statistical registers, to be used exclusively for statistical purposes. Statistical registers refer to lists of statistical units and their characteristics, including identifiers that are necessary for statistical production.

## **CHAPTER VII - STATISTICAL CONFIDENTIALITY**

### **Article 20 - Data subject to statistical confidentiality**

20.1 Individual data subject to confidentiality, as defined in article 3.1 paragraph f, are those that allow natural or legal persons to be identified, either directly or indirectly, thereby disclosing individual information. In addition, information declared as a State secret on the basis of [name of the legal act] shall be subject to statistical confidentiality.

### **Article 21 - Exclusive use for statistical purposes**

21.1 *Producers of Official Statistics* shall use individual data exclusively for statistical purposes. Individual data collected by *Producers of Official Statistics* for statistical purposes shall not be used for any investigation, inspection, surveillance, legal process, administrative decision or other similar matters concerning a natural or legal person, by any authority or organization, whether national or international.

21.2 Each *Producer of Official Statistics* shall protect confidential data in such a way that statistical units cannot be identified, directly or indirectly, taking into consideration all possible relevant means that could reasonably be used by a third party.

### **Article 22 - Secure data processing and storage**

22.1 Each *Producer of Official Statistics* shall protect individual data, confidential aggregates and statistics prior to their release and take all necessary regulatory, administrative, technical and organizational measures to prevent access by unauthorized persons.



22.2 The *Producers of Official Statistics* may process and store individual data with identifiers for the time necessary for statistical purposes. All original data collection forms, in their different formats, that include identifiers shall be destroyed as soon as they are no longer needed for statistical purposes.

### **Article 23 - Access to individual data of the National Statistical System**

23.1 *Producers of Official Statistics* shall not disclose individual data to any users, except as outlined in paragraph 23.2 and article 24 on public use files and access to individual data for research purposes, pursuant to the provisions of this Law.

23.2 *Producers of Official Statistics* may produce and release to the public sets of individual data only if the data have been processed so that identifiers have been removed and natural or legal persons cannot be identified in any way, either directly or indirectly. To determine whether a natural or legal person is indirectly identifiable, account shall be taken of all relevant means that might reasonably be used.

23.3 The *National Statistical Office* shall be entitled to receive from *Other Producers of Official Statistics* individual data, including identifiers. All such transmissions shall be documented.

### **Article 24 - Access to confidential data for academic research purposes**

24.1 *Producers of Official Statistics* may, upon submission of a detailed request giving the purpose, goal and methodology, grant access to their anonymized individual data for scientific research projects.

24.2 The data for research purposes cannot include identifiers. The data shall be limited to those that are directly relevant to and necessary for the purpose of the requesting research project, and not for any administrative, judicial or programmatic use, nor may they be used in other research without authorization.

24.3 Before the *Director of the National Statistical Office* authorizes access to individual data subject to statistical confidentiality, it shall be ensured that the receiving party has the technical infrastructure and institutional framework for the protection of confidential data in compliance with the present Law.

24.4 *Producers of Official Statistics* shall ensure adequate security safeguards to minimize the risks of loss, unauthorized access, destruction, modification, or unintentional or inappropriate release of the individual data for which access was granted.

24.5 If authorization is granted, all persons who will participate in the handling of data during the research project shall sign a contract so as to commit:

- (a) Not to attempt to identify natural or legal persons by any means, including by matching data with other individual data.
- (b) Not to disclose any individual data to unauthorized persons or to use them for purposes other than those indicated in the request.
- (c) Not to disclose any aggregates derived from the individual data that may allow indirect identification of units.
- (d) To cite the source in all published products.
- (e) To destroy the individual data once the research project is completed.



24.6 The *Producers of Official Statistics* may set a price as a compensation for the additional costs incurred in preparing the data, as regulated in [name of the legal act].

24.7 A list of all such transmissions shall be made available on request by the public.

#### **Article 25 - Confidentiality commitments**

25.1 A confidentiality commitment shall be signed upon taking up functions in official statistics by:

- (a) All regular and temporary staff of the *National Statistical Office* and *Other Producers of Official Statistics*.
- (b) Persons from outside the *National Statistical System* who are involved in census operations.
- (c) Any other persons who are authorized to access data subject to statistical confidentiality.

25.2 The commitment remains binding even after the cessation of the person's functions relating to official statistics.

#### **Article 26 – Subcontracting**

26.1 The *Producers of Official Statistics* may subcontract parts of tasks of statistical production or support activities to a third party only when the full protection of statistical confidentiality and professional independence can be ensured. Third parties shall use and maintain the data exclusively for the operations and only for the duration defined in the subcontract.

### **CHAPTER VIII - QUALITY OF OFFICIAL STATISTICS**

#### **Article 27 - Quality commitment**

27.1 The *Producers of Official Statistics* shall be committed to continually assessing, improving and safeguarding the quality of official statistics in terms of relevance, accuracy, reliability, timeliness, punctuality, transparency, clarity, coherence and comparability.

27.2 To guarantee quality, official statistics shall be developed, produced and disseminated on the basis of common standards and harmonized methods on the scope, concepts, definitions, units and classifications of official statistics. This shall be done in compliance with the principles laid down in articles 3–4 of the present Law, [the national framework for guaranteeing statistical quality] and internationally agreed statistical standards and recommendations.

27.3 In order to improve the quality of official statistics, *Producers of Official Statistics* shall have the right to edit and validate data, to combine data from different sources, to link different sources of individual data for exclusively statistical purposes and to use statistical estimation techniques to remedy the partial lack of information. The *National Statistical Office* may issue recommendations and provide assistance to *administrative data providers* as regards the continuous improvement of the quality of such data.

27.4 The *Producers of Official Statistics* shall document sources and methods used in the production process, as well as the resulting data sets, in a standardized way. Users shall be kept informed about the sources and methods of statistical production and quality of statistical outputs through metadata.

#### **Article 28 - Quality assessment**

28.1 The *National Statistical Office* shall establish a quality assurance policy [or issue guidelines on evaluating and safeguarding quality].

28.2 Users shall be regularly consulted regarding the quality and usefulness of official statistics.

28.3 The *Producers of Official Statistics* shall seek feedback from respondents to improve the quality of data collection instruments.

28.4 The *Producers of Official Statistics* may collaborate with the scientific community to assess and improve statistical methodology and encourage analytical work using official statistics.

28.5 Assessments of the institutional environment, processes and outputs of the *National Statistical System* may be carried out by internal and external experts.

### **CHAPTER IX – DISSEMINATION**

#### **Article 29 - Statistical releases**

29.1 Official statistics shall be disseminated in a timely and punctual manner in full compliance with articles 29–30 and the principles in articles 3–4 of the present Law, particularly in respect of protecting statistical confidentiality and ensuring equal and simultaneous access, as required by the principle of impartiality.

29.2 Each *Producer of Official Statistics* shall establish and make public a release calendar that indicates the planned dates and times for the releases of official statistics. Any expected divergence from the release calendar shall be communicated to the public before the planned release date. A new date for the release shall be set within reasonable time and made public.

29.3 Releases of official statistics shall be accompanied by metadata and explanatory comments, and access shall be granted to all users free of charge. The *Producers of Official Statistics* may set the price of printed publications and other material, as regulated in [name of the legal act].

29.4 Official statistics shall be clearly distinguished from any other statistics when released.

29.5 Errors discovered in released official statistics shall be corrected, and the corrections shall be released and communicated to users at the earliest possible time.

29.6 Users shall be entitled to use official statistics and the related metadata in their own products with indication of the data source.

29.7 Preliminary releases of statistics that will be subject to later revision shall be clearly labelled as provisional.

### **Article 30 – Dissemination policy**

30.1 The *National Statistical Office* shall establish:

- (a) A coordinated dissemination policy with transparent procedures to be applied across the *National Statistical System*.
- (b) A unified terminology for dissemination of all official statistics.

30.2 Major revisions owing to changes in methods shall be notified publicly in advance.

## **CHAPTER X - STATISTICAL SERVICES**

### **Article 31 - Provision of statistical processing services**

31.1 On users' request, the *Producers of Official Statistics* may provide statistical processing services using data collected or obtained for statistical purposes or provided by the customer. Statistical processing services shall not jeopardize the production and quality of official statistics or the credibility of the *National Statistical System*.

31.2 Customers shall bear the additional costs of statistical processing services in compliance with the price set by the *Producer of Official Statistics*, as regulated in [name of the legal act].

31.3 The public shall be informed of statistical processing services that are carried out regularly. Results of any statistical services that are provided without compensation, including their metadata, shall be made publicly available.

31.4 The results of statistical processing services shall not be considered official statistics.

31.5 The confidentiality provisions of articles 20–26 and the quality provisions of articles 27–28 of the present Law shall fully apply to the provision of statistical processing services.

### **Article 32 - Provision of data collection services**

32.1 *Producers of Official Statistics* may agree to collect specific data at the request of an international, national or local authority. Provision of data collection services shall not jeopardize the production and quality of official statistics or the credibility of the *National Statistical System*.

32.2 Authorities mentioned in paragraph 32.1 shall bear the additional costs of data collection services in compliance with the price set by the *Producer of Official Statistics*, as regulated in [name of the legal act].

32.3 Results of data collection services shall be made public. A list of all activities that involve the provision of data collection services shall be mentioned in the implementation report of the *annual statistical programme*.

32.4 The results of data collection services shall not be considered official statistics unless they are included in the list of official statistics [or national statistical programme] by the *Director of the National Statistical Office*.

32.5 The provisions concerning statistical surveys in articles 15–18, the confidentiality provisions of articles 20–26 and the quality provisions of articles 27–28 of the present Law shall fully apply to the provision of data collection services.

## **CHAPTER XI - INTERNATIONAL COOPERATION**

### **Article 33 - Participation in international cooperation**

33.1 The *National Statistical Office*, and *Other Producers of Official Statistics* in their respective areas of competence, shall actively participate in international work to develop and implement statistical standards and recommendations.

33.2 The *National Statistical Office* shall be the focal point for all technical cooperation activities in official statistics, as well as for all assessments initiated by international organizations that concern official statistics irrespective of the statistical domain and producer.

### **Article 34 - International transmission of data**

34.1 The *National Statistical Office* shall coordinate the transmission of official statistics to international organizations and authorities of foreign countries.

## **CHAPTER XII – INFRINGEMENTS**

### **Article 35 - Violation of statistical confidentiality**

35.1 Violations of the confidentiality provisions laid down in articles 20–26 of the present Law shall be prosecuted as regulated in [name of the legal act, such as the Criminal Code]. The penalties provided for shall be effective, proportionate and deterrent.

35.2 Any person or organization with access to data before their release, or to data subject to statistical confidentiality, using this information for purposes other than those authorized by the present Law, shall be prosecuted as regulated in [name of the legal act].

35.3 Any person who offers, promises, or gives a government employee a benefit, financial or otherwise, for the benefit of said employee or of a third party, for the purpose of obtaining statistical information subject to secrecy or confidentiality, shall be subject to a penalty of [to be defined by each country] and complete temporary disqualification from public posts or offices at any level, in addition to a fine of [define] pursuant to [cite law].

35.4 Any respondent who repeatedly provides false information to any member of the system shall incur the criminal penalties established pursuant to [the respective body of law].

35.5 Any government employee who discloses confidential information, whether for financial benefit or not, shall be subject to the penalties provided for in [respective body of law].

35.6 Penalties shall be applied pursuant to the following scale [include a scale of infringements, from the least serious to the most serious, also taking into account whether they are natural or legal persons].

#### **Article 36 - Failure to fulfil the obligation to provide data**

36.1 Any respondent or *administrative data provider* obliged to provide data who either wilfully fails to provide data in a timely manner, in spite of having been reminded, or who wilfully provides false data, may be fined as regulated in [name of the legal act].

36.2 Arbitrary conduct by the respondent or *administrative data provider*, taking the form of abuse or intimidation of data collectors, interference in the collection process, impersonation of statistical officials, or encouragement of others not to comply, shall be fined as regulated in [name of legal act].

### **CHAPTER XIII - RELATIONSHIP TO OTHER LEGISLATION**

#### **Article 37 - Articles on statistics in other legislation**

37.1 Any other legal act making reference to official statistics shall be adapted to comply with the present Law. Any party preparing legislation that may affect statistical data or activities shall consult the *National Statistical Office* for its advisory opinion. If conflicting legislation exists, the provisions of the present Law or another act based on or mentioned in the present Law shall apply. Statistics produced by authorities according to their own regulatory frameworks that do not comply with the provisions of the present Law shall not be considered official statistics.

37.2 The development, production and dissemination of data shall respect the provisions of [names of the legal act, such as Act on the Openness of Government Activities, Archives Act] only if these are not in conflict with the present Law.

37.3 Processing of personal data collected for statistical purposes, whether provided directly by respondents or obtained from administrative records, shall be governed by the provisions of this Law and shall be protected by statistical confidentiality, and shall therefore be exempted from the Personal Data Protection Act.

37.4 The statistical confidentiality regulated in this Law shall be an exception to the right of access to public information regulated in other laws.

### **CHAPTER XIV - ENTRY INTO FORCE**

#### **Article 38 - Transitional arrangements and entry into force**

38.1 [With the exception of article Z, paragraph Z and article Y, paragraph Y] the present Law shall enter into force [date]. [article Z, paragraph Z] shall enter into force [date] and [article Y, paragraph Y] shall enter into force [date].

38.2 At the same time as the present Law enters into force:

(a) [name of the legal act, such as the Statistical Law of a certain date] and

(b) [name of the legal act]

shall cease to have effect.

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## EXPLANATORY NOTES TO THE GENERIC LAW ON OFFICIAL STATISTICS IN LATIN AMERICA

### CHAPTER I - OBJECTIVE AND SCOPE OF THE LAW

#### Article 1 - Objective and scope of the Law

1.1 The Law applies to all activities for the development, production and dissemination of official statistics in the country. Article 4 defines the concepts of development, production and dissemination.

1.2 The Law defines official statistics and the criteria they have to meet, emphasizing compliance with the Fundamental Principles of Official Statistics adopted by the General Assembly of the United Nations at the highest political level and in compliance with the principles of the Code of Good Practice in Statistics for Latin America and the Caribbean. To fulfil their demanding role, official statistics need to be compiled according to these and other internationally agreed standards and meet high quality requirements to ensure relevance, objectivity, accuracy, reliability, timeliness, transparency, clarity, coherence and comparability (see chapter VIII). This paragraph requires that those statistics that meet the criteria are identified and listed in the statistical programmes to distinguish official statistics from any other statistics.

The Law uses the term ‘official statistics’ and not the terms ‘State statistics’, ‘national statistics’ or ‘government statistics’ to emphasize the scope of the statistics concerned and quality requirements official statistics have to comply with. The term ‘official statistics’ provides users with information on the status and quality of the information provided to them.

According to this Law, statistics compiled by private entities, including private research institutes, are not considered official statistics and are not regulated by this Law. Furthermore, statistics produced by government bodies, as part of their obligation to report about their activities, are not considered official statistics and are not regulated by this Law unless they comply with the principles of official statistics (article 3) and are listed in the annual statistical programme (article 13).

Article 13 establishes that the annual statistical plan shall determine the list of *Producers of Official Statistics* and the release of all official statistics. Article 13 therefore restricts the definition of official statistics to those explicitly included in the annual statistical programme. Some countries place additional conditions in their statistical legislation for statistics to be recognized as official, such as inclusion in the annual statistical plan or being considered in the national interest by the statistical authority.

Similarly, some statistics compiled by *Producers of Official Statistics* may not be considered official statistics if they do not comply with all the principles, in particular the principles of professional independence and quality. For instance, statistics under development, statistical services (see chapter X) and other statistics that do not meet all the principles of official statistics are not included in official statistics.

In countries where statistics are produced in autonomous territorial entities, such statistics may be considered official, provided that they comply with the conditions expressed in this Law.

1.3 The Law applies to any data used in the production of official statistics, including data acquired from administrative sources and other secondary sources such as big data (article 15). This paragraph ensures that all data, regardless of source and type, are treated according to the same principles regulated

by the Law, and are protected by statistical confidentiality (see chapter VII). *Producers of Official Statistics* have full independence in processing any data in their possession and disseminating statistics based on those data, without legal or administrative constraints from other legislation.

## Article 2 - Parties to the Law

2.1 This paragraph defines the *National Statistical System*, including the criteria for designating *Producers of Official Statistics* in the annual statistical programme. The *National Statistical System* is the ensemble of statistical organizations and units within a country that jointly collect, process and disseminate official statistics on behalf of national government. The Law requires that only an entity of a national authority or of the central bank that produces official statistics can be considered part of the *National Statistical System*, not the whole organization that this entity belongs to. Thus, the entity needs to have a clear, independent role from the rest of the organization and be led by a head with relevant professional competence in the field of official statistics (article 7). The national institutions and the central bank that are considered *Producers of Official Statistics* are listed in the annual statistical programme, and not in the statistical law, to ensure flexibility and reduce the need to revise the statistical legislation frequently.

2.2 Respondents are defined as a party to which the Law assigns responsibilities and rights. For instance, participation in surveys is compulsory for respondents, and *Producers of Official Statistics* are entitled to follow up with respondents regarding survey responses. In addition, the *National Statistical Office* must prepare the statistical programme in consultation with respondents and ensure that the resulting response burden is not excessive.

2.3 *Administrative data providers* are considered a party to the Law and are obliged to provide data needed for official statistics. The purpose is to ensure that existing administrative data (definition in article 4) can be and are used for producing official statistics rather than collecting new information, which would increase costs and burden on respondents. If *administrative data providers* are planning major revisions to the data, they have to consult *Producers of Official Statistics*. To ensure coordination, the *National Statistical Office* will prepare the annual statistical programmes in consultation with *administrative data providers*. *Administrative data providers* may also be included in statistical surveys as respondents. Other public or private entities (such as business associations or universities) that collect information on relevant phenomena that are not measured or recorded by any *administrative data providers* may be considered information providers.

2.4 Users as a party to the Law have, for instance, the right to public information, equal and simultaneous access to official statistics and information on methods applied. Users have the right to interact with *Producers of Official Statistics* and express their opinions and needs, for example through the *Statistical Council*.

2.5 The *Statistical Council* is party to the Law as a representative body of the users of official statistics. Its role and responsibilities are defined in article 8.



## CHAPTER II - MAIN DEFINITIONS AND PRINCIPLES OF OFFICIAL STATISTICS

### Article 3 - Fundamental principles of official statistics

3.1 This paragraph is fundamental to defining what official statistics are, as it defines the principles they must meet. The principles are based on the United Nations Fundamental Principles of Official Statistics and the Code of Good Practice in Statistics for Latin America and the Caribbean. The principles may be further specified and enlarged into a national code of good practice for official statistics that all *Producers of Official Statistics* must subscribe.

Professional independence from policy, regulatory or administrative authorities, as well as from private interests, is the prerequisite for producing high-quality statistics and securing trust of users and respondents. The credibility of the *National Statistical System* builds on users' trust in official statistics as an objective source of information that does not serve any interests.

Professional independence is a cornerstone principle and means that *Producers of Official Statistics* have the sole authority for decisions listed in paragraph 3.1a. Policymakers and government should recognize the authority of the *National Statistical System* to release information without prior clearance and the authority of the *Director of the National Statistical Office* and its staff to speak about official statistics with the government and the public.

It is possible for *National Statistical Offices* to deliver a small number of advance bulletins to certain public authorities, on a day and at a time fixed by the parties, within a limited period of time (not more than 12 hours before publication) and only as an informative courtesy to the receiving authority. This practice should be formalized and under no circumstances should be considered a request for authorization to publish the data.

The sending of this information does not permit any kind of reply by the receiving authority. If a certain bulletin is ultimately not sent under these agreements, the situation shall never constitute grounds for removal from the statistical authority.

Professional independence requires a strong legal position of the *National Statistical Office* and *Other Producers of Official Statistics*, appropriate administrative arrangements, use of scientific methods and internationally agreed standards, openness of operations and commitment to quality. Professional independence should not be seen as a principle that limits cooperation; on the contrary, it requires close consultations with users, data providers and other stakeholders to ensure that official statistics maintain their relevance.

### Article 4 – Definitions

4.1 The definitions explain the main concepts necessary for the interpretation and implementation of the Law. The list represents a deliberate choice of main definitions as the Law should not be overloaded with a long list of concepts. The definitions are meant to be self-explanatory, but if necessary, they may be further specified or extended (according to national legal practice). The definitions of 'statistical unit', 'individual data' and 'identifier' are directly linked to the confidentiality provisions of the Law (chapter VII). Therefore, any changes to these definitions should be carefully considered and taken into account in the articles pertaining to confidentiality.

The concept ‘use for statistical purposes’ is a central element of statistical confidentiality and of the Law. Exclusive use for statistical purposes encourages individuals and businesses to accurately report their data in statistical surveys without the risk of business rivals, journalists, politicians, investigators or authorities accessing their data. Respondents’ trust in the strict confidentiality of their data is the cornerstone of the production of high-quality statistics and the functioning of *National Statistical Systems*.

Although the meanings of the terms ‘release’ and ‘dissemination’ could be understood to be similar, in this Law they have clearly different meanings. Release refers to when a statistic is first released. Dissemination refers to all activities aimed at making statistics and other statistical products accessible to users.

## CHAPTER III - ORGANIZATION OF THE NATIONAL STATISTICAL SYSTEM

### Article 5 - National Statistical Office

5.1 This paragraph specifies the *National Statistical Office* as a professionally independent body. The Law is based on an organizational model where the *National Statistical Office* is under the authority of the President for issues that are not covered by professional independence (paragraph 3.1a).

#### Option for organizing the National Statistical Office as an autonomous body

Another organizational model, implemented by some countries, is to establish the *National Statistical Office* as an autonomous body that is not under the authority of the President, but under the direction and supervision of a *State Statistical Board* which consists of members selected based on relevant professional competence. This model requires adjusting the articles of the Generic Law. These adjustments may differ according to the organizational model selected in each country.

This model ensures strong professional independence of the *National Statistical System*. Yet, the *National Statistical System* would depend on public resources and be, therefore, accountable for the use of these resources to the highest national authorities, such as the President. The President would also appoint the members of *State Statistical Board*, including the *Director of the National Statistical Office*.

#### If a country selects this option, the Law must be complemented with provisions, for example:

An article on the *State Statistical Board* should be added to chapter III on the *National Statistical System*, for example after article 7 of the Law:

### Article X - State Statistical Board

X.1 The *State Statistical Board* shall be the governing body of the *National Statistical System* of [country name]. (The *Director of the National Statistical Office* shall be Chair of the *State Statistical Board*. Alternatively, the *State Statistical Board* shall appoint a general manager of the *National Statistical Office*).

X.2 The *State Statistical Board* shall decide on the strategic development of official statistics, adopt the statistical programmes and guide the execution of these programmes. The *State Statistical Board* shall issue binding regulations and guidance related to the development, production and dissemination of official statistics.

X.3 The *State Statistical Board* shall adopt its rules of procedure to regulate its tasks, organization, working methods and decision-making.

X.4 The members of the *State Statistical Board* shall be composed of [select the number] of members elected for a fixed term of [select: four, five or six] years, on the basis of relevant professional competence.

In addition, this paragraph should include provisions on the termination of membership in the *State Statistical Board* using the same provisions that concern the *Director of the National Statistical Office* (paragraph 6.2).

Article 8 on the *Statistical Council* should be removed and replaced with a strengthened article on other advisory bodies to ensure consultation with users of statistics (article 10).

In paragraph 11.4 the *Statistical Council* should be replaced with the *State Statistical Board*.

Paragraph 14.1 of the Law should be reworded as follows: “The *National Statistical Office* shall submit the *multi-year statistical programme* and the *annual statistical programme* to the *State Statistical Board* for discussion and approval as [insert the correct term of the secondary legal act] no later than [2–3] months before the start of the reference period of the programme.” Paragraph 14.2 of the Law should be removed.

Throughout the Law the phrase “under the authority of the President of the country” should be replaced with “as an autonomous State body with a *State Statistical Board* as the governing body”.

The above adjustments to the Generic Law are only indicative and should be carefully designed to fit the organizational model selected in each country.

5.2 This paragraph specifies that the *National Statistical Office* coordinates all the activities related to the production of official statistics in the country.

5.3 and 5.4 These paragraphs make explicit reference to the role of the *National Statistical Office* in conducting the production of official statistics based on common guidelines and in advising the government and the public on various statistical matters. As the representative of the *National Statistical System* in international forums where standards and guidelines are discussed and approved, it is the responsibility of the *National Statistical Office* to take the measures required to transmit this information to *Other Producers of Official Statistics*.

5.5 The *National Statistical Office* cannot be assigned responsibilities that are in contradiction with professional independence. This refers also to administrative tasks. For example, administrative registers have to be collected and maintained outside the *National Statistical System*. Typically, government authorities need individual data from the administrative registers to implement their tasks, and such data cannot be provided by any *Producer of Official Statistics*. This principle is important for ensuring data confidentiality and respondents’ trust.

5.6 The Generic Law recognizes the growing importance of production of geographic and geospatial information as one of the central functions of *National Statistical Offices*. In order to perform its functions, the *National Statistical Office* requires constantly updated geographic information as input for various statistical operations, such as conducting censuses, updating sampling frames and georeferencing statistics; this paragraph recognizes this task and makes it visible.

5.7 This paragraph recognizes the great importance of censuses in official statistics and that the planning and development of censuses are functions of the *National Statistical Office*, as the authority specialized in this matter in the *National Statistical System*. Censuses provide the basis for the infrastructure for undertaking a country’s statistical operations, including updating sampling frames, and for public policy

decision-making. To design and perform censuses, the *National Statistical Office* shall consult and coordinate with other relevant public and private institutions.

**Article 6 - Director of the National Statistical Office [replace with the official title everywhere in the Law]**

6.1 This paragraph provides an independent role to the person in charge (or Head/President/General Director) of the *National Statistical Office* and establishes transparent rules for his or her appointment and dismissal. These elements largely define the professional independence (paragraph 3.1a) of the entire *National Statistical System*, enable compilation of statistics on an impartial basis and build trust in official statistics.

The appointment of the *Director of the National Statistical Office* should be non-political and based on professional competence only. Deciding on issues of professional independence, such as data sources and statistical methods, requires specific professional experience and knowledge. The position of *Director of the National Statistical Office* should be filled through a published vacancy announcement with professional requirements and an open competition among applicants. If such a system is not typically used to select government authorities in the country, the appointment should be subject to a process of ratification by the legislature. The position should not be part of regular mobility schemes in the public administration where such a system may be applicable to the position.

The *Director of the National Statistical Office* should be appointed for a period fixed in the Statistical Law; to enhance professional independence the term of office should be different from the term of the government. One option to consider is for the duration to be the same as the term of office of the president and that the Director be appointed in the middle of each presidential term, thus ensuring that the Director remains in the post through to the next presidential term of office. The Law provides the possibility to renew the term of office once and an option for renewing it further exclusively on the basis of a new publicly announced vacancy and an open competition.

6.2 This paragraph protects the *Director of the National Statistical Office* against dismissal during the term. The term of office must be respected independently of changes in the government.

When the Law refers to “termination of citizenship” and it also refers to the existence of permits to reside and work in the country where the position is held, such that if either of these fundamental conditions are affected one of the reasons for removal from the position shall exist.

The provisions include removal for “deliberately overstepping the bounds of the duties of the position, or wilfully failing to fulfil said duties”, that is to say if the appointed person does not perform their duties or uses the powers of their office to exceed their permitted remit, under legislation on public service or other applicable law.

6.3 The Law provides the *Director of the National Statistical Office* with the status and authority necessary to carry out the responsibilities in leading and representing the *National Statistical System* in an entirely autonomous manner nationally and internationally, within the overall budget authorized by the government. A publicly recognized strong and independent standing of the *Director of the National Statistical Office* helps resist political pressures. The *Director of the National Statistical Office* should not be a member of the government, but needs to have direct access to ministers and other senior level authorities.

6.4 The *Director of the National Statistical Office* has the full authority for setting priorities and deciding on the organizational structure and tasks of the *National Statistical Office*, including its central and regional

offices. This includes deciding independently on the appointment, promotion and development of all staff of the *National Statistical Office*, pursuant to applicable regulations on recruitment of government employees. This is important for adapting to new requirements for knowledge, capacities and technologies.

6.5 The *Director of the National Statistical Office* may be legally deputized by the person or persons stipulated in prevailing law in each country, but if the *Director's* absence becomes permanent, a new public competition must be called, respecting prevailing labour law or government employment law in each country, and the legally deputized person must occupy the position until it is filled on a permanent basis.

6.6 The *Director of the National Statistical Office* has important duties in coordinating the *National Statistical System* in cooperation with all *Producers of Official Statistics*. The *Director of the National Statistical Office* has full authority for deciding on the content of the multi-year and annual statistical programmes and the implementation reports after consultation with users of statistics, respondents and *administrative data providers* (chapter V).

6.7 The standards and guidelines issued by the *Director of the National Statistical Office* mainly rely on recognized international standards and good practice in statistics. Issuing common standards is an important tool to develop professionalism and enhance users' trust.

6.8 These standards and guidelines can also be promoted for use by respondents and *administrative data providers*. For example, if *administrative data providers* use the same classifications as the *National Statistical System*, this reduces costs of maintaining classifications and increases efficiency of using data from multiple sources. Statisticians have recognized expertise in creating well-functioning international classification systems that can also benefit other authorities in the countries if used more widely.

6.9 This paragraph stipulates the Director's function of publicly reporting on erroneous use of official statistics, either by civil society or by other public authorities, without any need for prior authorization from a public authority.

6.10 This paragraph recognizes the importance of increasing the level of understanding of statistics in society, as well as encouraging their proper use in decision-making by government authorities and by the general public.

## **Article 7 - Other Producers of Official Statistics**

7.1 Similarly to the *National Statistical Office*, *Other Producers of Official Statistics* have to be professionally independent and exclusively or primarily focused on statistical work, strictly adhering to the principles on which it is based.

Public authorities and the Central Bank should take the necessary transitional measures to improve the professional independence (paragraph 3.1a) of entities that produce key official statistics as part of public administration, such as statistical entities of ministries or other public agencies. Transitional measures may also include other necessary actions to comply with the Law, such as development of dissemination practices, statistical production methods, and skills and capacities related to the production of official statistics. These transitional measures should be agreed upon and adopted by the authorities producing these statistics and the *Director of the National Statistical Office*.

These producers of statistics may be included as *Producers of Official Statistics* in the annual statistical programme only when they fulfil the criteria (article 11). The *Producers of Official Statistics* cannot be in

charge of responsibilities that are in contradiction with professional independence, explained in point 5.5 of the explanatory notes.

Forming part of the *National Statistical System* has many benefits: it enhances professional independence (paragraph 3.1a) of each *Producer of Official Statistics*, pursuant to the Statistical Law, fosters improvements in quality and development of statistics, facilitates professional exchanges within the *National Statistical System*, increases familiarity with and use of shared tools and standards, provides surveys with strong mandates, guarantees access to required administrative data, enhances the status of *Producer of Official Statistics* in the country, allows regulated exchanges of individual data for statistical purposes within the *National Statistical System*, and keeps producers better informed with regard to the latest international advances in statistics. A strong *National Statistical System* can ensure that the right statistics are produced efficiently and that they are of high quality to inform decision-making.

The structure and functioning of the *National Statistical System* differ across countries depending on the division and organization of statistical work among agencies. For example, central banks may have autonomy to perform their activities, including their statistical work. If the central bank is in charge of key statistics in the country, close collaboration and coordination of statistical work with the *National Statistical Office* is crucial. In a similar way to any producer of statistics, if the central bank has organized its statistical work into a professionally independent statistical entity, its inclusion in the list of *Producers of Official Statistics* is recommended, provided that the entity works in full compliance with the Statistical Law and fulfils the criteria.

7.2 *Producers of Official Statistics* are those that produce statistics listed as official statistics in the annual statistical programme. The *Director of the National Statistical Office* will decide on the inclusion of producers, their deliveries and activities in the statistical programmes based on a transparent, documented process (article 11). The activities of *Producers of Official Statistics* need to be fully in line with the Law and follow standards and guidelines issued by the *Director of the National Statistical Office*. Applying common standards improves comparability of statistics and increases objectivity and consistency of decisions on how statistics are produced across the *National Statistical System*.

7.3 It is advisable for vacancies for *Other Producers of Official Statistics* to be filled on the basis of a public call for applications and an open competition based on relevant professional competencies, ensuring that those responsible for *Other Producers of Official Statistics* have a technically independent role in relation to the public administration of which they are a part.

## CHAPTER IV - STATISTICAL COUNCIL AND OTHER ADVISORY BODIES

### Article 8 - Statistical Council

8.1 The *Statistical Council* is the advisory body on strategic priorities and user needs for the *Director of the National Statistical Office*, the *National Statistical Office* and for the whole *National Statistical System* and the government.

8.2 The *Statistical Council* should largely represent users and user communities, not producers. Countries may determine the number of members, the type of users and user groups, as well as the term of office of *Statistical Council* members. For entities such as the Central Bank or the Ministry of Finance, which are at the same time producers and users of official statistics, a representative of the user side should be proposed instead of the head of their statistical entity.



The only *Statistical Council* member who does not represent users of statistics is the *Director of the National Statistical Office*, who will act as an ex officio member. The *National Statistical Office* will act as secretariat for the *Statistical Council* by providing its staff, premises and, when necessary, funds channelled to the *National Statistical Office* to organize the meetings of the *Statistical Council*.

8.3 The *Statistical Council* members will be appointed by the same authority that appoints the *Director of the National Statistical Office*, upon proposal by the bodies or groups to be represented. A list of these bodies may be specified in this Law. All stakeholders should be informed of the possibility to propose members for the *Statistical Council*. All members of the *Statistical Council* must perform their functions as users of statistics. Therefore, the positions they hold in their respective institutions do not entail decision-making power that differs from that of other *Statistical Council* members. Members of the *Statistical Council* should not receive remuneration for their participation in meetings.

8.4 The *Statistical Council* will decide how it functions in compliance with the Law. The *Statistical Council* can foresee in its rules of procedure the creation of subgroups for specific questions or domains. The *Statistical Council* acts as the custodian of the principles of official statistics. This may mean that the *Statistical Council* discusses the interpretation and implementation of the principles and monitors the compliance of products and producers with the principles on its own initiative or when the *National Statistical Office* submits a case to the *Statistical Council* for consideration and opinion.

8.5 The role of the *Statistical Council* is to ensure the relevance of official statistics and promote transparency and accountability of the *National Statistical System*. For this purpose, the *Statistical Council* has the authority to launch independent external evaluations related to the quality of statistics and implementation of the principles of official statistics in specific domains, activities or organizational entities, provided that resources are available for this purpose.

## **Article 9 - Statistical Coordination Committee**

9.1 and 9.2 Effective coordination is key to economical and coherent functioning of a *National Statistical System* that demonstrates a high professional standard. The *Statistical Coordination Committee* facilitates coordination between the *National Statistical Office* and producers of statistics, and coordination among the latter, whilst ensuring system-wide coherence and compliance with the Law and the principles of official statistics. The same institution may participate simultaneously in the *Statistical Council* and the *Statistical Coordination Committee*, but with clearly differentiated functions. The heads of *Other Producers of Official Statistics* must participate in the *Statistical Coordination Committee*; that is to say that the professionally independent entities or units that are responsible for producing and disseminating official statistics within their respective organizations.

Statistical programmes and the main instrument for coordination of the *National Statistical System*. This coordination is performed in close collaboration with *Producers of Official Statistics* and by issuing procedural standards and guidelines, on areas such as survey design, questionnaires, terminology, classifications, methodologies, shared data portals, dissemination policies, transmission and exchanges of data between *Producers of Official Statistics*, confidentiality, access to microdata for academic research and collaboration with stakeholders.

## **Article 10 - Other advisory bodies**

10.1 This paragraph provides flexibility for the *Director of the National Statistical Office* to establish permanent or temporary advisory bodies in support of the development and coordination of specific

statistical activities and methodological development. The advisory bodies would be preferably set up in consultation with the *Statistical Council*. The advisory bodies can focus for instance on new user needs in a specific statistical domain, scientific and methodological advice, development projects with stakeholders, coordination with *Other Producers of Official Statistics* and collaboration with *administrative data providers* and consultations with the representatives of respondents.

Within these bodies, thematic committees may be established, with functions such as: (a) issuing recommendations or concepts regarding methodology, methods and instruments applicable to statistical process; (b) ensuring that the technical definitions and general guidelines that apply to *National Statistical System* statistics are duly followed in the correct manner.

## CHAPTER V - COORDINATION OF THE NATIONAL STATISTICAL SYSTEM AND STATISTICAL PROGRAMMES

### Article 11 - Programming of national statistical activities

11.1 The purpose of statistical programmes is to plan activities of the *National Statistical System*, efficiently coordinate work between *Producers of Official Statistics* and obtain a mandate for statistical work from the government. The programmes legitimate data collection from respondents and formalize administrative data provision. The performance of the *National Statistical System* will be assessed against statistical programmes. The Law establishes two types of statistical programmes: a *multi-year statistical programme* for strategic development and an *annual statistical programme* with a more specific list of activities for the year with inputs and outputs of statistical production. The Law uses the term “programmes” in a generic sense. Each country will determine the most appropriate denomination, for example programmes, plans or strategies, according to its law and customary use.

11.2 Statistical programmes are prepared by the *National Statistical Office* with inputs from *Other Producers of Official Statistics*. The *National Statistical Office* must be well-informed of user needs as well as existing statistics, surveys and administrative or other data sources. Consultations with users are particularly important to ensure relevance of official statistics. Respondents should be consulted to restrict response burden and the cost and time it takes to answer statistical surveys. Consultations with *administrative data providers* aim at a clear understanding of what, when and how data need to be provided for statistical production.

11.3 The *National Statistical Office* has to thoroughly evaluate all items proposed for inclusion in the statistical programmes. Preparing the statistical programmes entails a critical look at existing products, seeking out efficiency gains and ensuring development of new statistics and improvement of those statistics that do not yet meet the principles of official statistics.

The *Director of the National Statistical Office* has the authority to request changes or refuse the inclusion of *Producers of Official Statistics* and products that do not meet the criteria. Some products that do not meet the criteria may be excluded from the programme or listed as development projects separately from official statistics. To be included as a *Producer of Official Statistics* in the statistical programmes, the producer has to demonstrate its capability and willingness to comply with the Law and the principles of official statistics (articles 1 and 3).



11.4 The Law requires that the *National Statistical Office* prepares reports on the implementation of the statistical programmes for discussion at the *Statistical Council*. As statistical programmes are a tool for legitimacy, implementation reports need to be made publicly available with the opinion of the *Statistical Council*.

## **Article 12 - Multi-year statistical programme**

12.1 The multi-year statistical programme, also known as a National Strategy for the Development of Statistics (NSDS), will focus on long-term challenges and strategic development of the *National Statistical System* as a whole, for users in the wide sense of the term, that is to say government users and private users.

12.2 A multi-year statistical programme is expected to provide a strategy and priorities for developing statistics across the *National Statistical System* with a vision for where the system should be in five to ten years' time. The format and periodicity should be specified by each country according to national practice.

The *multi-year statistical programme* will outline activities and projects for implementing the vision. It will address issues identified for improvement, for instance, in the global assessment of the *National Statistical System* or while preparing the annual statistical programme.

The *multi-year statistical programme* will analyse changes in user needs and changes in the context in which statistics are produced. It will weigh the development needs against available resources.

12.3 Ongoing evaluation and monitoring of the *multi-year statistical programme* is as important as implementation of the programme itself. Evaluation of the *multi-year statistical programme* should be planned in accordance with the formulation of the *annual statistical programme*, to ensure ongoing monitoring.

## **Article 13 - Annual statistical programme**

13.1 The annual statistical programme will include a list of all main inputs, outputs and activities in the *National Statistical System*: official statistics to be released; all data sources, such as statistical surveys, administrative data and any other data sets; annual development activities; and statistical registers. The annual statistical programme will provide a list of *Producers of Official Statistics* with links to the relevant inputs, outputs and activities.

13.2 All official statistics and surveys should be included in the *annual statistical programme*, regardless of the source of funding, be it producers' budgets, other government agencies' budgets or external funding, either from national or international sources. Any statistics that are not yet considered official statistics that may be under development need to be clearly separated from official statistics.

13.3 The annual statistical programme legitimates data collection from respondents. Since the *Producers of Official Statistics* have a mandate for data collection in the Law, they need to carefully monitor respondents' feedback and take measures to limit the burden on them. The programme should include an estimate of the response burden. This estimate can be based on the approximate number and type of respondents and an assessment of the average time needed to fill in each questionnaire. Linking each survey to the statistics to which they provide data aims to facilitate multiple uses of the collected data across the *National Statistical System*.

13.4 Transmission of administrative data and any other data is regulated in the annual statistical programme to ensure smooth access to and use of administrative data in the production of official statistics. Administrative data present a cost-effective alternative instead of collecting similar information for a second time from respondents.

13.5 While the multi-annual statistical programme is the main tool for statistical development, development activities to be implemented during the given year will be included in the *annual statistical programme*. Planned and known internal and external assessments of the *National Statistical System* are listed. The programme may also include information on the costs of producing the outputs. Decisions on priorities will be better informed if the costs of producing each output are known.

13.6 All statistical registers and their links to surveying and transmissions of administrative data will be included in the annual statistical programme. This promotes the use of common statistical registers among the *Producers of Official Statistics* to ensure the use of consistent sampling frames across the *National Statistical System*.

#### **Article 14 - Adoption of statistical programmes**

14.1 As an advisor on strategic priorities and user needs, a key task of the *Statistical Council* is to advise the *Director of the National Statistical Office* on the content of the statistical programmes. The *Statistical Council* will ensure that the programmes reflect user needs and take into account the given budget and existing national and international commitments. The *Director of the National Statistical Office* may decide to revise the programmes according to the *Statistical Council's* advice. In any case, the opinion of the *Statistical Council* will be provided to the government when deciding about the statistical programmes.

14.2 The Law states that the government shall not interfere with issues related to professional independence (paragraph 3.1a) when deciding on the statistical programmes. The government in its decision process should therefore, not comment on or change the way the development, production and dissemination of statistics will be performed, including the selection of data sources, concepts, definitions, methods and classifications to be used, and the timing and content of all forms of dissemination. However, the government may identify priorities for using the limited resources and request developing new statistics or reducing the response burden of specific activities.

For activities of autonomous State bodies like the central bank, within the statistical programmes, the government shall not alter any elements agreed by the *Director of the National Statistical Office* with the central bank and the *Statistical Council*.

14.3 Changes in the budget allocation for the *Producers of Official Statistics* will influence statistical programming. In the event of budget cuts, the *Producers of Official Statistics* will analyse which activities should be ceased or downscaled. They will also draw attention to any activities that require additional funding, such as development of new statistics, major revisions of statistics and modernization of statistical production.

14.4 The purpose of this paragraph is to ensure, in the event that the legal status of autonomous constitutional institution prevents the Central Bank from being subject to this Law, that at least the elements of the annual and multi-year statistical programmes that pertain to the central bank are submitted to the *Statistical Council* and the government for informative purposes.

## CHAPTER VI - DATA COLLECTION

### Article 15 - Mandate for data collection

15.1 This paragraph provides the mandate for data collection for official statistics. This paragraph obliges the *Producers of Official Statistics* to use existing administrative data provided that the conceptual framework is compatible with or can be adjusted to the statistical requirements. The Law underlines the professional independence (paragraph 3.1a) of *Producers of Official Statistics* in selecting data sources and collection methods. This paragraph also applies to the use by *Producers of Official Statistics* of other secondary datasets, for example those collected by private organizations, including big data.

*Producers of Official Statistics* shall be entitled to access and collect data from all public data sources, free of charge, including identifiers and with the level of detail required for statistical purposes. Furthermore, agreements may be reached which enable *Producers of Official Statistics* to access and collect data from private sources regarding third parties, with the level of detail required for statistical purposes.

15.2 This paragraph obliges *Producers of Official Statistics* to design data collection as efficiently as possible and consider how pressing the need to collect the data is, what the quality of different data sources is and how the design will influence costs and response burden.

15.3 This paragraph explicitly assigns the ownership of data that are obtained by the *National Statistical System* to the *Producers of Official Statistics*, regardless of data source. This means that the *Producers of Official Statistics* may process —check, edit, store, aggregate and disseminate— in full professional independence all survey data and all data from administrative sources and other sources in compliance with this Law. *Producers of Official Statistics* can handle any data without legal or administrative constraints from other legislation, and all data within the *National Statistical System* are protected by statistical confidentiality (chapter VII) even if they were public from other sources.

15.4 Data exchange within the *National Statistical System* is important for avoiding duplication of data collection, reducing costs and response burden and improving the quality of official statistics. Therefore, the provisions of this paragraph allow *Producers of Official Statistics* to share data and metadata inside the *National Statistical System* but with a number of restrictions in relation to statistical confidentiality (article 23). Data sharing can only be done among entities of the *National Statistical System* that are fully independent professionally and comply with the United Nations Fundamental Principles of Official Statistics and the Code of Good Practice in Statistics for Latin America and the Caribbean.

### Article 16 – Respondents

16.1 This paragraph describes the rights and obligations of respondents to statistical surveys. *Producers of Official Statistics* should inform respondents about the purpose and scope of surveys and explain how the confidentiality of their data will be ensured. This helps build trust in official statistics and, thus, facilitate receipt of correct and accurate information.

16.2 This paragraph encourages compulsory participation taking into account the public burden the statistical activities entail for inhabitants and for public and private entities. Violation of the response obligation can lead to sanctions (article 35).

16.3 Respondents have to provide the requested information free of charge in the given time frame. For private households, in exceptional cases the *Producers of Official Statistics* may decide to offer additional incentives, monetary or other, to household respondents if the survey requires a continuous effort over a certain period, such as keeping a diary. When establishing this exception, it should be taken into consideration that it is only applicable with respect to certain statistical operations and should not be understood as a conditioning factor of the obligation to respond to surveys for these respondent households.

16.4 *Producers of Official Statistics* have the right, but not an obligation, to re-contact respondents to remind them about the survey and ask for complementary information if need be.

#### **Article 17 - Access to administrative data**

17.1 This paragraph reinforces the legal position of *Producers of Official Statistics* to receive administrative data. The use of administrative data can improve the efficiency of statistical production; administrative data do not incur additional cost for data collection nor do they impose a further burden on respondents.

*Administrative data providers* have to provide the data needed for statistical production free of charge at the necessary level of detail and with the relevant metadata, as specified in the annual statistical programme. This includes individual data with identifiers when necessary for the production of official statistics. All data will be protected by confidentiality (chapter VII).

The individual data flow follows a ‘one-way principle’, whereby individual data cannot be provided from the *Producers of Official Statistics* to *administrative data providers* for any reason. However, *Producers of Official Statistics* may cooperate with the *administrative data providers* to improve their procedures and methods of quality control and error correction.

This paragraph ensures that other legislation cannot restrict delivery of individual data to *Producers of Official Statistics* unless the use of data for statistical purposes has been explicitly excluded. In that case, the need for such exclusion should be reconsidered as the Law ensures that any data provided to the *Producers of Official Statistics* will be protected by confidentiality (chapter VII).

17.2 *Administrative data providers* have an obligation to consult the *National Statistical Office*, and any *Other Producer of Official Statistics* affected, in advance and as early as possible about any expected changes in their data collection or processing that may affect data provided for official statistics.

17.3 This provision complements that which allows access to administrative data, thus, in addition to providing access to said data, ensuring that providers implement ongoing improvements to collection of the data. The *National Statistical Office* may issue recommendations and rules as regards the continuous improvement of the quality of data.

#### **Article 18 – Censuses**

18.1 This paragraph defines the census. Censuses could be carried out on various topics, including on the size and structure of the population, housing, economic units, buildings or farms. Censuses provide the basis for the infrastructure for undertaking a country’s statistical operations, including updating sampling frames and updating projections of populations (in the case of population censuses). These operations are key to producing intercensal statistics. They are often also the sole source of information for small geographic areas, providing crucial inputs for public policy decision-making.

18.2 This paragraph emphasizes that the Law is fully applicable to all census operations, participation in censuses is compulsory to all respondents and various data sources can be used. It also provides for the power to draw on collaboration from the public servants from different public institutions in performing the census, as well as support from other government resources that may be required for the activity.

18.3 Census operations should be regulated in more detail in a separate legal act, thus providing flexibility to changes in census formats over time in each country. Some countries may decide to have the provisions, especially for economic censuses, incorporated in the Statistical Law and, therefore, do not need a specific legal act for that.

The *National Statistical Office* is responsible for all censuses (article 5). However, other bodies that are not part of the *National Statistical System*, notably at the local level, may assume an important role in census operations. These bodies and their tasks have to be outlined in the special legal basis for the census. Staff members employed by such bodies have to sign the confidentiality commitment (article 25).

18.4 The purpose of this paragraph is to establish a minimum frequency for censuses by law, helping to ensure that resources are provided for their timely implementation. A frequency of every ten years is recommended at the international level for population censuses, to reflect demographic changes in countries. Conducting a census or count with a shorter time interval is advisable in the event of rapid changes in population size and structure, such as in periods of mass migration.

## **Article 19 - Statistical registers**

19.1 Statistical registers are a cornerstone of modern official statistics as a basis for efficient sampling and a source of consistent basic data on statistical units, for instance businesses, households or dwellings, for various related statistics. The *National Statistical Office* is responsible for establishing and maintaining statistical registers to be used exclusively for statistical purposes.

The Law does not mention the specific registers to be maintained, as they will be specified in each country in the *annual statistical programme*. Additional legislation or instructions may be needed to specify the requirements for establishing, maintaining and using the different statistical registers.

The individual data from statistical registers can only be used to produce official statistics within the *National Statistical System*. This means that the *Producers of Official Statistics* may receive data on statistical units with identifiers from the statistical registers, as listed in the annual statistical programme.

Statistical registers need to be maintained separately from similar administrative and public registers, which are managed by non-statistical bodies and based on other legislation. Administrative and public registers may provide important input into statistical registers. As statistical registers are protected by confidentiality (chapter VII), no individual data can be provided from statistical registers to administrative registers even if the same data would be publicly available from other sources.

## CHAPTER VII - STATISTICAL CONFIDENTIALITY

### Article 20 - Data subject to statistical confidentiality

20.1 This paragraph defines data subject to statistical confidentiality in line with paragraph 3.1f as data that allow natural or legal persons to be identified directly or indirectly. Statistical confidentiality applies to individual data of natural or legal persons; statistical aggregates that may allow natural or legal persons to be identified; and State secrets that may be declared in other legislation.

Direct identification is possible via an identifier or a combination of identifiers (article 4) such as names, addresses or identification numbers. Indirect identification may be possible through a combination of characteristics in the data set, for instance location combined with age, sex or marital status of inhabitants.

Sets of individual data that are not structured by natural or legal persons, but by statistical units such as events, such as accidents or crimes; transactions; or objects, such as dwellings or vehicles, are also subject to confidentiality if they contain characteristics that allow direct or indirect identification of a natural or legal person. In practice, there are very few sets of individual data in the *National Statistical System* that do not contain a risk of identification of a natural or legal person.

An aggregate protected by statistical confidentiality cannot be disclosed. However, higher-level aggregates should include the confidential lower-level aggregates to avoid bias in the released statistics. The *Producers of Official Statistics* should take sufficient measures to prevent indirect identification of confidential aggregates.

All aggregates that could reveal issues declared as State secrets in other legislation are subject to statistical confidentiality. These data should be included in higher-level aggregates.

It is advisable that the *Director of the National Statistical Office* issue standards for ensuring statistical confidentiality based on international practices and guidance. These standards may include instructions on how to handle and store individual data with identifiers, how to anonymize (remove names and identifying details) individual data and how to handle confidential aggregates when releasing statistical tables.

The Law does not make data from publicly available sources non-confidential in the *National Statistical System* nor does it allow the release of confidential data with the consent of a respondent. It is not the task of the *Producers of Official Statistics* to collect individual data and provide them for anything other than statistical purposes. Furthermore, typically raw data from respondents or public sources is processed, complemented and edited by the *Producers of Official Statistics*, thus possibly altering the original figures.

### Article 21 - Exclusive use for statistical purposes

21.1 This paragraph explains the improper use of individual data of a natural or legal person that are in the possession of *Producers of Official Statistics*. A strict application of this paragraph is important for maintaining trust in the *National Statistical System*, and enabling high-quality production of statistics. *Producers of Official Statistics* can never be the source of individual data for purposes mentioned in this paragraph; an administrative body that collects data may be entitled to use individual data in their own possession for such purposes depending on their legal mandate.



21.2 This paragraph refers to the responsibility of all *Producers of Official Statistics* to ensure that the data in their custody is used for statistical purposes and to maintain statistical confidentiality.

## **Article 22 - Secure data processing and storage**

22.1 *Producers of Official Statistics* are obliged to take all security measures necessary to protect the confidentiality of data and statistics prior to their release. The statistical infrastructure, administrative instructions and communication technology used for data collection, transmission and processing should be designed to safeguard data confidentiality. This includes access to buildings where *Producers of Official Statistics* and the production equipment and software are located.

22.2 *Producers of Official Statistics* may process and store individual data with identifiers as required for statistical production. However, original data collection forms should be destroyed as soon as they are no longer necessary for statistical purposes.

Individual data with identifiers may be processed and stored in databases for longer as such data may be useful for future analysis, major revisions of statistics that require recalculations and combinations with new data sets. Separate legislation on maintaining archives may be applied to statistical data sets, but without prejudice to statistical confidentiality.

Individual data has to be processed and stored in such a way that it is never disclosed for unauthorized or illegitimate use. One possibility is that the *Producers of Official Statistics* store individual data with internal or even encrypted identifiers that are not known or used outside the *National Statistical System*.

## **Article 23 - Access to individual data of the National Statistical System**

23.1 This paragraph regulates access to individual data or microdata for purposes other than research. This paragraph reinforces the requirement that *Producers of Official Statistics* shall not disclose un-anonymized individual data or microdata to any user to maintain trust among users and respondents. This also includes individual data that are not subject to confidentiality. The only exceptions to this rule are anonymized public use files that the *Producers of Official Statistics* may provide (paragraph 23.2) and access to individual data or microdata for research (article 24).

23.2 This paragraph allows the *Producers of Official Statistics* to process detailed data in such a way that a natural or legal person cannot be identified either directly or indirectly. Such public use files are provided in some countries, but this type of processing also requires careful consideration and control of the resulting user file to ensure that the file cannot be used for identifying natural or legal persons.

23.3 This paragraph allows the *National Statistical Office* to receive individual data from *Other Producers of Official Statistics* with identifiers. *National Statistical Systems* are generally not yet considered strong enough to allow a flow of individual data among all members of the *National Statistical System*. This would require a very stable and established definition of official statistics, strong and independent *Producers of Official Statistics*, a high degree of unity in practices of handling individual data and highly sophisticated, safe information technology frameworks.

## **Article 24 - Access to confidential data for academic research purposes**

24.1 This paragraph allows *Producers of Official Statistics* to grant access to their individual data exclusively for independent scientific research projects in compliance with this Law.

24.2 These data cannot include identifiers, and data shall be limited to those that are necessary for the research purpose.

24.3 The *Producers of Official Statistics* have the authority to decide, after consultation with the *Director of the National Statistical Office*, for each individual case whether access to individual data can be provided. There is no automatic right for a researcher to obtain access. The Law sets strict conditions for access, including the need to ensure that the receiving party has the technical infrastructure and organizational framework for the protection of confidential data.

When requests are made from researchers abroad, the *Director of the National Statistical Office* must check that the statistical legislation in the country concerned protects confidential data to a comparable extent and allows for sanctions in the event of infringement.

24.4 This paragraph establishes the responsibility of all *Producers of Official Statistics* to ensure that the recipient has the infrastructure needed to safeguard statistical confidentiality.

24.5 If the *Producers of Official Statistics* grant access, all persons who will participate in the handling of data during the research project must sign a contract in accordance with the Law.

24.6 Since this is a service that requires processing of data for the user, the *Producers of Official Statistics* should be allowed to charge for the extra cost involved. National legislation on chargeable public services may apply.

24.7 All access to individual data for research should be monitored in the whole *National Statistical System*, and the *Director of the National Statistical Office* is advised to develop a standard text for the contract and a checklist for assessing requests based on the Law. This would set the basis for providing a list of all transmissions of individual data for research purposes on request.

## **Article 25 - Confidentiality commitments**

25.1 The importance of statistical confidentiality and exclusive use for statistical purposes is highlighted by the requirement that all staff of any *Producer of Official Statistics* shall sign written confidentiality commitments. The requirement also applies to any person outside the *National Statistical System* who may access or collect confidential data, such as staff from other authorities involved in census operations or staff from sub-contractors (article 26). Persons carrying out scientific research with granted access to individual data will sign a confidentiality commitment as part of the contract.

25.2 The commitments remain binding even beyond the duration of work within a *Producer of Official Statistics*. Violations of any confidentiality provisions of the Law shall be prosecuted (article 35).

## **Article 26 – Subcontracting**

26.1 This paragraph about subcontracting is intended to provide a basis for purchasing material or services from commercial enterprises, which can be cost-effective and provide skills and capacities that are not available in the *National Statistical System*.

The *National Statistical Office* should be prepared to launch and handle calls for tender following the national rules on public procurement, with the support of a competent administrative body when



appropriate. *Other Producers of Official Statistics* can use the services of other units of the body to which they belong.

Subcontracting does not diminish the responsibility of the *Producers of Official Statistics* for the deliveries. The goods or services purchased from subcontractors must be validated by the *Producers of Official Statistics*.

The conditions for subcontractors, to be fixed in a contract, must make sure that any confidential data the subcontractors may have access to are protected from disclosure and that data are used exclusively for the operations and only for the duration defined in the subcontract. Just as researchers do, subcontractors must destroy confidential data after their work for a *Producer of Official Statistics* has ended.

## CHAPTER VIII - QUALITY OF OFFICIAL STATISTICS

### Article 27 - Quality commitment

27.1 All *Producers of Official Statistics* must regularly assess and continually improve the quality of their products and processes, with respect to user needs, the principles of official statistics (article 3) and internationally agreed statistical standards and recommendations. The commitment to quality should be made visible by including key improvement actions in the statistical programmes.

27.2 Quality management shall be based on common standards and harmonized methods of official statistics. Many *Producers of Official Statistics* carry out self-evaluations of key statistics and set targets for the different quality dimensions (article 3). If statistic does not meet the targets, the *Producer of Official Statistics* may decide to launch development work or exclude the statistic from the list of official statistics for the time being.

27.3 To ensure quality of statistics, the *Producers of Official Statistics* have the obligation and right to apply statistical methods, such as editing of individual data, record linking or other forms of combining data from different sources and using estimation techniques. This includes correct treatment of non-response, both for sample and more exhaustive surveys. The *National Statistical Office* must build up its methodological know-how, follow up with international developments and share this knowledge with *Other Producers of Official Statistics*.

27.4 Proper documentation for sources, methods and data sets is a basic requirement that all *Producers of Official Statistics* need to observe. Ideally, metadata would include an assessment of how each statistic meets the quality targets (article 3). External and internal quality assessments should be made public as part of metadata.

### Article 28 - Quality assessment

28.1 The *National Statistical Office*, as the supervisory body of the *National Statistical System*, is responsible for establishing a policy to safeguard quality within the System, or at the very least issue guidelines to be followed by the participants in the System, compliance with which can later be assessed, along with statistical quality. Implementation of a quality assurance framework is a means of attaining this goal, as are certification programmes, where they exist, implemented by *National Statistical Offices*.

28.2 This paragraph promotes first of all collaboration with users to ensure relevance of official statistics, but also collaboration with respondents, the scientific community and other experts to assess and improve the quality of official statistics.

28.3 Respondents are the key stakeholders without whom high-quality statistics cannot be produced. Therefore, *Producers of Official Statistics* need to actively seek feedback from respondents. This might entail the prior testing of survey questionnaires (such as pilot tests or cognitive testing), survey instructions, terminology and methods of data collection before launching substantially changed or new surveys. Monitoring the overall response burden and identifying ways to reduce it are important for maintaining high response rates and good quality of data provided. Furthermore, promoting trust of respondents in the *National Statistical System* is crucial for producing reliable statistics.

28.4 Cooperation with the scientific community should be promoted for testing new methods, conducting experimental studies and analysis and training staff. This collaboration may include internship agreements with universities. If such cooperation requires the access of researchers to confidential data of the *National Statistical System*, article 24 is applicable.

28.5 This paragraph encourages assessments of the institutional environment, processes and outputs, carried out by external and internal experts. These assessments could focus especially on the principles of official statistics and application of international statistical standards and recommendations. They can be initiated by a *Producer of Official Statistics*, the *Statistical Council* or an international organization. Such assessments can use national (for example from the scientific community) or international experts. The results of such assessments should be made public. Moreover, the *Director of the National Statistical Office* has the responsibility to regularly assess whether the *Other Producers of Official Statistics* comply with the principles of official statistics.

## CHAPTER IX – DISSEMINATION

### Article 29 - Statistical releases

29.1 The main requirement related to dissemination is that official statistics shall be disseminated in a timely and punctual manner in full compliance with the principles of official statistics (article 3) and the specific articles on dissemination (articles 29–30). The protection of confidentiality and equal access to official statistics are the key principles pertaining to dissemination.

The principle of equal and simultaneous access to statistics for all users, including governmental users, is central to the ethics of official statistics. Through online dissemination, this principle can today be implemented in a very rigorous way, by specifying an exact release time when new statistics will become available.

The Law imposes a strict policy of fully equal and simultaneous access to official statistics for all users, without any pre-release access. Equal access is also an important indicator of the professional independence of the *Producers of Official Statistics*. Where pre-release practice exists, it should be reviewed in order to discontinue the practice or reduce it. If a country chooses to deviate from the principle of equal and simultaneous access, an article needs to be added to the statistical law to regulate the pre-release access for selected authorities and selected statistics. Any user to whom pre-release access is granted must sign an embargo declaration. The public must be informed which authorities have pre-release access, to which data and at what time. In general, pre-release access should not be available more than a few hours ahead of the scheduled release time of the statistics.

29.2 All *Producers of Official Statistics* must establish a public, pre-announced release calendar with the planned dates and times for the releases of official statistics. This informs all users about when official statistics are released and ensures that statistics are disseminated irrespective of the reaction of the government or political actors.

Most attempts at violating the professional independence (article 3.1a) of official statisticians occur to prevent the dissemination of statistics that are unsuitable or disagreeable for the political actors. The Law, therefore, protects official statisticians, the *Director of the National Statistical Office* and the heads of *Other Producers of Official Statistics*, against such attempts.

This release calendar will have to be dynamic, as precise dates cannot always be fixed far in advance, and it is necessary to update and adjust the release calendar during the year. Any divergences from the planned dates should be communicated and explained to the users in advance with a new date for release. This helps avoid any perception of interference with professional independence.

29.3 All releases of official statistics need to be accompanied by sufficient, up-to-date metadata and explanatory comments, written by the responsible producer, to enable users to understand the resulting statistics. Metadata may provide information on the attributes of the data, such as the length and consistency of time series or average revisions to be expected. Expert users will need more detailed metadata to evaluate the statistical methods applied and the quality of the statistics. Metadata should be objective and impartial and not contain any policy-prescriptive statements.

Access to official statistics, as a public good, should be made available free of charge. This should cover at least the main results in at least one publication format, such as through the website of the *Producer of Official Statistics*. For printed material, a pricing policy for the whole administration can be applied to official statistics. If paper is the only form of dissemination, at least some of the main results should be made available free of charge to all users.

29.4 This paragraph requires that official statistics be clearly distinguished from any other statistics when released. This is based on the assumption that some statistics published by the *Producers of Official Statistics* may not qualify as official statistics. In practice, this might mean that there is a label of official statistics for the entire *National Statistical System*. This label may be a logo that distinguishes official statistics from both the results of statistical services and any products that are not produced in accordance with the principles of official statistics.

29.5 This paragraph provides a procedure for handling errors that were not detected in the quality control prior to release. When such errors occur, the paragraph obliges the *Producers of Official Statistics* to communicate corrections to the users at the earliest possible time. The detailed procedures for handling such cases may be part of a coordinated dissemination policy (article 30).

29.6 This paragraph allows the free reuse of official statistics, including metadata, provided that users indicate the data source. If there is any misuse or misinterpretation of official statistics, the producer has the right to react publicly.

29.7 Timeliness is important for users, and *Producers of Official Statistics* often generate preliminary estimates to ensure that at least indicative information is available at the right time. *Producers of Official Statistics* need to mark preliminary versions, to inform users that these statistics are subject to revision once

data has been accumulated. The policy for preliminary releases could be part of a general dissemination policy, as a form of revision. *Producers of Official Statistics* must supervise and analyse revisions and take measures to improve data quality.

### Article 30 - Dissemination policy

30.1 Dissemination policy (article 30) is an important tool for professional independence that should ensure adherence to predetermined, frequent release schedules for official statistics that prevent manipulation of release dates for political purposes. This paragraph requires the development of a coordinated dissemination policy to be applied across the entire *National Statistical System*. This dissemination policy could include the following elements:

- (a) The general dissemination principles and guidelines, in line with the present Law.
- (b) The use of different dissemination platforms and the pricing policy.
- (c) Procedures for handling errors.
- (d) Procedures for handling revisions.
- (e) Ways to facilitate users' access to all official statistics from different producers.
- (f) The main contents and practices for releasing metadata.
- (g) Best practices for producing tables, graphs and written explanations.
- (h) Practices for archiving statistical releases for future use.

Applying a unified terminology across statistics helps avoid confusion and misinterpretation. The more the results of official statistics in different domains use common definitions and classifications, the easier it is for users to compare and combine data across domains and the easier it is for *Producers of Official Statistics* to check consistency of statistics. *Producers of Official Statistics* should make a clear distinction between the release of statistical information and policy interpretations and prevent the misuse and erroneous interpretation of statistics.

Archiving statistical releases is important for transparency and trust in official statistics. The period of archiving releases could be determined in the dissemination policy. This means that erroneous releases will remain available, but the changes should be flagged in the releases to ensure that correct data are also available. When the archiving periods for releases expire, data sets will be archived in cooperation with the national archive and following the relevant legislation without prejudice to statistical confidentiality or other provisions of the Law.

30.2 Revisions are the result of a planned process when data amendments accumulate or concepts, definitions and classifications used in official statistics change, for example because of changes to international standards. *Producers of Official Statistics* should inform users in time about planned changes and about the effect on comparability over time, such as breaks in time series. At the time of major revisions in statistics, the time series before the change must be recompiled using the new concepts, definitions and classifications to ensure a sufficient length of coherent time series before and after the change.

## CHAPTER X - STATISTICAL SERVICES

### Article 31 - Provision of statistical processing services

31.1 This Law regulates the production of two types of statistical services: processing services with data that already exist within the *National Statistical System* and services to collect new data. The statistical processing services facilitate effective use of existing data in the *National Statistical System* in society and help avoid duplication of data collection.

While statistical processing services are important for promoting use of data, *Producers of Official Statistics* can decide which processing services to engage in. They should first ensure sufficient resources for the activities mandated through the statistical programmes to ensure the highest quality of official statistics. Before engaging in the work, *Producers of Official Statistics* should also consider the possible credibility impacts of carrying out statistical processing services, for example on sensitive or politically challenging topics.

31.2 Statistical processing services cannot be funded from the budget. Customers requesting statistical services have to pay for the additional costs of the required processing. Any customer is entitled to purchase the same information produced by another customer for the same price. Separate legislation on payable public services may apply to statistical processing services without prejudice to the Law.

31.3 The provision of processing services has to be transparent; a list of regularly produced processing services should be communicated, for instance on the website. If a *Producer of Official Statistics* provides any processing services without compensation, for example owing to the very limited costs of processing, these results need to be made available to all users with the accompanying metadata to ensure equal access.

31.4 Statistical processing services do not have the status of official statistics. Regardless of this, the *Producer of Official Statistics* has to ensure their quality, and the decisions about concepts and methods must be taken within the *National Statistical System* in full compliance with the Law. Even though the data provided as a statistical service may not be relevant for society at large, it will be relevant for the individual customer.

If some processing services, provided regularly, become essential for society at large or are required for fulfilling international statistical standards and meet the criteria for official statistics, the *Director of the National Statistical Office* may include these statistics in the list of official statistics. This has no implication on the funding of the activity, unless the government decides to add the sum covering the production costs to the budget of the relevant *Producer of Official Statistics*.

31.5 The principle of confidentiality (articles 20–26) and quality provisions (articles 27–28) have to be observed in all circumstances.

### Article 32 - Provision of data collection services

32.1 Considering their core competence, *Producers of Official Statistics* are well placed to produce efficient and high-quality data collection services. The Law regulates data collection services, such as additional data collection through increased sample size of existing or planned surveys, inclusion of additional variables in the existing or planned surveys or data collection through an additional survey carried out for this purpose. Data collection services can only be carried out on behalf of international, national or local authorities, not for the private sector or researchers.

*Producers of Official Statistics* can decide which data collection services to engage in. They should first ensure sufficient resources for the activities mandated through the statistical programmes to ensure the highest quality of official statistics. Extensions of existing surveys may erode the quality of replies, or respondents may be more likely to refuse participation because of the additional burden. This may hamper the quality of official statistics.

Before engaging in the work, *Producers of Official Statistics* should also consider the possible impact on credibility of carrying out data collection services. It is advisable for the *Producers of Official Statistics* not to engage in producing opinion polls, unless no negative impacts can be foreseen. Additional questions and new surveys should undergo testing before data collection.

32.2 Statistical data collection services cannot be funded from the budget. Customers requesting data collection services have to pay for the additional costs. Separate legislation on payable public services may apply to statistical data collection services without prejudice to the Law.

32.3 The statistics resulting from data collection services need to be made available to all users with the accompanying metadata by the *Producer of Official Statistics*, the customer or as a partnership. The provision of data collection services has to be transparent; a list of all data collection services should be included in the implementation report of the *annual statistical programme*, including data collection services for international authorities.

32.4 The statistics resulting from data collection services do not have the status of official statistics. Regardless of this, the *Producer of Official Statistics* has to ensure their quality, and the decisions about concepts and methods must be taken within the *National Statistical System* in full compliance with the Law. Even though the data provided as a statistical service may not be relevant for society at large, the service will be relevant for the individual customer and the resulting statistics will be publicly available for any additional users.

If some data collection services, provided regularly, become essential for society at large or are required for fulfilling international statistical standards and meet the criteria for official statistics, the *Director of the National Statistical Office* may include the resulting statistics in the list of official statistics. This has no implication on the funding of the activity, unless the government decides to add the sum covering the production costs to the budget of the relevant *Producer of Official Statistics*.

32.5 The principle of confidentiality (articles 20–26) has to be observed in all circumstances. All provisions on statistical surveys (articles 15–16) and quality provisions (articles 27–28) fully apply.

## **CHAPTER XI - INTERNATIONAL COOPERATION**

### **Article 33 - Participation in international cooperation**

33.1 Statistics cannot be developed in isolation within national borders. International collaboration creates opportunities for efficient development of new statistics in a joint effort of the experts. It reduces costs of producing official statistics through the development of common standards and tools and sharing of experience. Above all, it is crucial for ensuring the comparability of statistics across countries.



To build competence in statistics, the staff of the *Producers of Official Statistics* should take active part in international statistical work and bring forth the priorities and challenges of their country. Sufficient funding needs to be allocated for travel to meetings and workshops and for training courses in English.

33.2 It follows from the coordination role of the *National Statistical Office* (article 5.2) and the role of the *Director of the National Statistical Office* as a representative of the *National Statistical System* at the international level (article 6.3) that the *National Statistical Office* must be the focal point for international statistical cooperation, international capacity building activities and external assessments carried out by international organizations.

#### **Article 34 - International transmission of data**

34.1 The *National Statistical Office* acts as a coordinator for transmissions of official statistics to international organizations in line with the Law and the principle of full professional independence (article 3.1a). The *National Statistical Office* should be informed and asked to examine all official statistical data before transmission, even when requests for official statistics are addressed to ministries or other authorities directly.

If requests from international organizations cannot be met by providing existing statistics, additional processing or data collection services may be carried out, if resources permit, in line with the provisions on statistical processing services or data collection services (articles 31 and 32).

The Law does not allow transmission of data subject to statistical confidentiality to international organizations. However, the provisions on access to individual data for research purposes (article 24) may apply to international organizations in the case of scientific research projects.

## **CHAPTER XII – INFRINGEMENTS**

#### **Article 35 - Violation of statistical confidentiality**

35.1 The regulations on breaches of confidentiality are strict to reinforce the credibility of official statistics. All violations of confidentiality shall be prosecuted. This paragraph provides a procedure for dealing with violations of confidentiality provisions of the Law (articles 20–26). These infringements will be prosecuted in compliance with the specific national legislation, through administrative proceedings or pursuant to the Criminal Code.

35.2 This paragraph requires prosecution if any person or organization, be it a staff member or someone else, uses information before its release for purposes other than those authorized by the present Law, that is to say anything other than statistical purposes or authorized statistical research, for example to take advantage of information before its release for personal gain. The corresponding legal act may be, for example, that which refers to abuse of privileged information in transactions on financial markets.

35.3 This paragraph seeks to close the cycle of responsibility, imposing the sanctions that the country deems appropriate on those who encourage illegal acts or promote acts of corruption from outside the *National Statistical System*.

35.4 It is beneficial for the statistical system to have a penalty system establishing progressive fines, distinguishing between infringements of different seriousness, for example between violation of statistical



confidentiality and other minor offences (such as failure to respond to a request for information owing to a lack of formal notification). Consideration must be given to the differences between different groups of respondents, so that fines imposed on natural persons are the lowest on the scale, as opposed to those applied to legal persons.

35.5 False information leads to inaccurate statistical calculations and may erode the quality and credibility of the information produced by the *National Statistical System*. Penalties must therefore exist to prevent, as far as possible, false information from being provided. The scale of penalties should be linked to the impact on the quality of the estimators derived from the information.

35.6 In such cases, it is advisable for the Statistical Law to contain references to the crimes, generally stipulated in the Criminal Code, that are related to violations of confidentiality. If no such crimes have been defined in law, a special crime should be defined in the Statistical Law. The Law should establish different penalties according to whether the disclosure was culpable or wilful.

### **Article 36 - Failure to fulfil the obligation to provide data**

36.1 This paragraph reinforces the mandate of the *Producers of Official Statistics* to collect the data necessary for the production of official statistics. In some cases, even the data of an individual respondent may have a significant influence on the quality of official statistics. Firstly, the quality of data provided for statistics should be ensured through close collaboration with the representatives of respondents and continuous development of data collection, taking into account the viewpoint of respondents. As a second option, the *Producers of Official Statistics* may decide to take action to fine a respondent who wilfully fails to provide data, in spite of having been reminded, or who wilfully provides false data.

The *Producer of Official Statistics* can decide, in each case, whether to take up the process of sanctioning the respondent or not. It is advisable to formulate a policy for the unified handling of cases that might require sanctions across the *National Statistical System*. It should be borne in mind that the link with the respondents of a sample is ongoing, and should not become litigious.

Criminalization of infringements should consider at least the failure to provide information, and may address other matters such as late delivery or provision of erroneous information.

The use of compulsory surveys and sanctions will be based on the circumstances and traditions of each country and take into account the difficulty of maintaining sufficiently high response rates on a voluntary basis.

36.2 This rule seeks to protect the data collection process from potential pressure or interference from respondents or *administrative data providers* that seeks to obstruct the process in any way.

The infringements listed in the Law do not include cases where *administrative data providers* or *Other Producers of Official Statistics* do not comply with domestic law, on matters such as the use of the most recent classifiers. In cases of this kind, penalty for the infringement should be applied as administrative offence, through comptrollers or the applicable national mechanism.

## CHAPTER XIII - RELATIONSHIP TO OTHER LEGISLATION

### Article 37 - Articles on statistics in other legislation

37.1 This paragraph emphasizes that the statistical law, developed on the basis of the Generic Law, shall apply if any conflicting legislation relating to statistics exists in a country. Other legislation applying to activities in official statistics should be adapted to comply with the Law. This provision protects the Fundamental Principles of Official Statistics, especially confidentiality (articles 20–26) and professional independence (paragraph 3.1).

Statistics produced by authorities according to their own regulatory frameworks that do not comply with the Law are not considered official statistics. These activities will be carried out in compliance with the relevant legislation, other than the Law.

Provisions that deal with statistics that may become official statistics in the future must be scrutinized carefully to assess whether the legal framework is in conflict with the Law. Any conflicts would need to be resolved before inclusion of new statistics in the list of official statistics. The *National Statistical Office* should continue to review other legislation after the entry into force of the Law, for example to assess initiatives aiming at new and revised legislation.

37.2 Many legal acts outside statistical legislation regulate activities carried out by *Producers of Official Statistics*, such as any legal acts relating to the openness of government activities, archives or public services. These legal acts should apply to the activities within the *National Statistical System*, if they are not in conflict with the Law. Therefore, the statistical law needs to be adjusted to the national legislative environment, even though it is developed based on the Generic Law.

37.3 The relationship between statistical legislation and existing or forthcoming data protection legislation is a particularly difficult area that requires careful analysis. A particular point of conflict is the right for persons to obtain access to the data stored about them or to ask for corrections. Data sets in the *National Statistical System* should be exempted from application of these articles, since the information therein is only used for statistical purposes and not for the handling of the affairs of individuals. If a data protection law is being prepared, the *National Statistical Office* should be closely involved in the process.

37.4 In countries where a regulatory framework exists for the right of access to information held by public bodies, this shall apply to all administrative activity of *Producers of Official Statistics*. However, these regulations shall not apply to delivery of information that is subject to statistical confidentiality rules established in this Law, application of which is the exclusive responsibility of *Producers of Official Statistics*. It is recommended that this clause be established both in statistical law and in the laws regulating the right of access to public information.

## CHAPTER XIV - ENTRY INTO FORCE

### Article 38 - Transitional arrangements and entry into force

38.1 This paragraph defines the date of entry into force of the new Law for all official statistics. Achieving full compliance with the Law within the *National Statistical System* may take time. It is advisable

that preparations for the necessary changes in the *National Statistical System* are started before the entry into force of the new Law.

The *National Statistical Office* shall assess the degree of implementation of the Law across the *National Statistical System* between the entry into force of the Law and the end of any transitional arrangements, and will provide support and advice for closing the gaps.

38.2 This paragraph identifies the legal acts that become redundant or obsolete at the entry into force of the Law to remove any conflict between regulations.