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On Official Statistics

The Parliament passes the present organic law.

Chapter I

GENERAL PROVISIONS

Article 1. Object of the Present Law

The present law regulates the organization and functioning of the single system of the official statistics, establishing the general principles for the collection, processing, generalization, dissemination, storage of the statistical information with economic, social, demographical, financial, legal and other character, used for the development of economic and social policies, strategies, decisions by the public authorities, economic entities, development of scientific surveys, informing the public opinion, transmission of statistical data to international bodies and other categories of internal and external users.

Article 2. Subjects of the Present Law

The subjects of the present law are as follows:

- a) physical persons, regardless of their citizenship, who are on the territory of the Republic of Moldova and/or their associations;
- b) Moldovan citizens (physical persons) who are outside the territory of the Republic of Moldova and/or their associations;
- c) legal persons of the Republic of Moldova, their branches, representative offices and subdivisions, foreign legal persons that operate on the territory of the Republic of Moldova.

Article 3. Main Notions

In this law the following main notions mean:

Official statistics - the activity of official statistical bodies consisting of individual data collection and processing, statistical information generalization, storage, and dissemination, carried out by applying the statistical methodology;

Dissemination – spreading of the statistical information, regardless of its form and applied methods;

Program of statistical works – program of the statistical surveys and publications regarding the fulfillment of the annual statistical works, type of surveys and developments, periodicity and deadlines of submission to the users;

Statistical methodology – scientific rules and methods of conducting the statistical surveys;

Individual data – data on physical or legal person;

Statistical information – information with social, economic, demographic character about the environment, obtained on the basis of statistical surveys and/or administrative data;

Statistical goal – use of statistical information for numerical, verbal or graphical description of the mass phenomena and processes that occur in the society, national economy and environment;

Statistical research – statistical data collection, processing, generalization and dissemination;

Administrative data – data obtained by the central and/or local public authorities, except the official statistical bodies, in order to exercise their administrative duties;

Respondent – physical or legal person that drafts and submits individual data to the central statistical body or other official statistical bodies;

User – physical or legal person that uses the centralized statistical information, except for the confidential data;

Classifications – division of a set of objects in subsets according to certain similarities or differences in conformity with the approved methods;

Classifier – official document that represents a systematized compilation of names and codes of the classification groups and/or classified objects;

Nomenclator – a list, brochure, book that contains the nomenclature of a certain scientific, technical or other field, classified by a certain criterion.

Article 4. Main Tasks of the Official Statistics

The official statistics has the following main tasks:

- a) currently collect, process, systematize, generalize, analyze, estimate and spread the statistical information;
- b) develop statistical methodologies, adjusted to the international standards;
- c) conduct statistical surveys;
- d) present explanations regarding the statistical information to avoid misinterpretation;
- e) assure compliance with the main principles of the official statistics;
- f) organize the research and development activity in statistics;
- g) collaborate with international organizations in the statistical field.

Article 5. Main principles of the Official Statistics

The production of statistical information is based on the principles of impartiality, statistical deontology, relevance, transparency, confidentiality, cost-efficiency, national level coordination, international collaboration that mean in this law the following:

a) *impartiality* – a right of the official statistical bodies to conduct all the activities necessary to produce statistical information and namely, select statistical methods and methodologies, systems of indicators, classifications, nomenclators, recording and processing techniques, sources of data, contents, forms and deadlines for statistical information spreading and disseminate the statistical information impartially and independently, without any pressure from local and central public authorities, political parties, trade unions, employers' organizations and other legal persons, as well as from physical persons;

b) *statistical deontology* – obligation of the official statistical bodies to select on the scientific basis the sources, methods and procedures of statistical surveys conducting and publish, in an accessible form, the sources of data, area of coverage and computing methodologies;

c) *relevance* – the task of official statistical bodies to ensure the production of statistical data and information in accordance with areas, deadlines and detailing level of statistical data, depending on the demographic, economic, social and environmental phenomena;

d) *transparency* – obligation of the official statistical bodies to respect and provide respondents and users with the right of access to information related to the legal basis and goal of the statistical surveys, methodologies, techniques and methods used during the production of statistical information, measures of information protection, methods and deadlines of statistical information dissemination;

e) *statistical confidentiality* – protection of individual data on physical and legal persons;

f) *cost/efficiency ratio* – limit, imposed by official statistical bodies, on the volume of statistical data collected from respondents to justify the goal of statistical survey and assure an optimal use of the available human and financial resources;

g) *national level coordination* – assure a higher efficiency of the statistics, diminish the informational pressure on respondents, statistical units, assure data comparability;

h) *international collaboration* – use in the national statistics the international concepts, classifications and methods to assure an efficient functioning of the national statistical system.

Article 6. Legal framework

(1) The legislation on official statistics includes the present law, other regulatory acts and the international treaties joined by the Republic of Moldova.

(2) If the international treaty to which the Republic of Moldova is party stipulates other norms than the ones stipulated in the national legislation on statistics, then the norms of the international treaty shall be applied.

Chapter II

ORGANIZATION OF THE OFFICIAL STATISTICS

Article 7. Official Statistical Bodies

(1) The official statistical bodies are the following: central statistical body and its territorial subdivisions, statistical departments of the central and local public authorities and of the National Bank of Moldova (hereafter referred to as *official statistical bodies*).

(2) The statistical information is produced in accordance with the stipulations of the present law.

Article 8. Central statistical body

(1) The central statistical body is an administrative authority created under the Government to manage and coordinate the statistical activity.

(2) The central statistical body operates on the basis of the regulations approved by the Government.

(3) The central statistical body, together with the central public authorities, decides on the unified methodology used to produce statistical information, in compliance with the international practice.

(4) The territorial statistical subdivisions are subordinate to the central statistical body and their structure is approved by the general director of the central statistical body.

(5) The central statistical body is managed by a general director, appointed and dismissed by the Government, and is assisted by the deputy general directors, also appointed and dismissed by the Government.

(6) The general director must have at least 5-year experience and the deputy general directors must have at least 3-year experience in the statistical or economic/financial field and they must meet other conditions stipulated in the legislation.

Article 9. Rights and Obligations of the Official Statistical Bodies

(1) The official statistical bodies have the right to:

- a) obtain and collect for statistical purposes statistical and administrative data, including explanations, from all persons that are subjects of the present law;
- b) check the authenticity of the statistical data and, if needed, check them at the work place, production places, on the land plots of legal persons, their branches, representative offices, and subdivisions, of physical persons that carry out entrepreneurial activity, in accordance with the legislation in force;
- c) when certain inaccuracies are identified, advise the persons who submitted these data how to correct these inaccuracies.

(2) The official statistical bodies must:

- a) spread the statistical information to users according to the volume, mode and deadlines established in the program of statistical works;
- b) provide all users with access to non-confidential statistical information on equal terms regarding the spreading volumes and deadlines;
- c) comply with the main principles of the official statistics;
- d) protect the obtained individual data;
- e) provide the respondents who participate in the statistical survey with the necessary statistical instruments;
- f) inform respondents about the goal of the statistical survey, the legal grounds, their rights and obligations;
- g) provide, at the request of physical and legal persons, information about the data from statistical records, that refer to them personally.

Article 10. Rights and Obligations of the Central Statistical Body

(1) In addition to the rights stipulated in art. 9 thereof, the central statistical body has the right to:

a) issue, within the limits of its competence, normative acts related to the production of statistical information, compulsory for all persons that are subjects of the present law;

b) establish single standards and rules aimed at assuring the confidentiality of statistical information;

c) submit to the public authorities that hold administrative data proposals on additional accumulation and manner of data submission, in order to use them subsequently for the production of statistical information;

d) examine the cases of administrative offences, apply administrative sanctions, according to the legislation, when the stipulations of the present law are broken;

e) involve the central and local public authorities, other legal persons, as well as physical persons, in the issues related to the statistical methodology;

f) reward respondents for the participation in the statistical surveys;

g) fulfill, on contractual basis, statistical surveys that are not planned in the program of statistical works, other works and services;

h) collaborate and conclude, in compliance with the legislation of the Republic of Moldova, agreements of collaboration with similar bodies from other countries and international statistical organizations;

i) develop and approve, independently or jointly with relevant bodies, in accordance with the legislation, national statistical standards, classifications and regulations on their implementation;

j) publish and spread the developed classifiers and nomenclators;

k) employ statistical agents to collect statistical data.

(2) In addition to the obligations stipulated in art. 9, the central statistical body must:

a) develop the statistical methodology in accordance with the international and regional standards and approve it;

b) offer methodological assistance to other official statistical bodies;

c) submit statistical information to the international organizations joined by the Republic of Moldova.

(3) The statistical agents, involved in the fulfillment of censuses and other statistical surveys, enjoy the protection of the present law.

Article 11. Interaction of the official statistical bodies

(1) To avoid duplicity and assure a uniform use of statistical definitions, classifications and methodologies, the production of statistical information by central and local public authorities shall be carried out through the coordination with the central statistical body. To this end, the central statistical body shall:

a) jointly work with other official statistical bodies on the development of statistical works program;

b) provide other official statistical bodies with the necessary methodological assistance;

c) coordinate the spreading of statistical information, carried out by other official statistical bodies, including towards international organizations.

(2) Other official statistical bodies shall submit free of charge, at the request of the central statistical body, the available statistical information to be introduced in the data series or statistical publications.

Article 12. Council for Statistics

(1) To develop and promote the official statistics, assure an objective, transparent, and scientific character of the methodologies, indicators and classifications used in the statistical activity, a Council for Statistics shall be set up under the Government, which is a consultative body in the statistical field.

(2) The Council for Statistics shall carry out its activity on the basis of the regulations approved by the Government.

(3) The Council for Statistics shall examine the draft programs of statistical works and national statistical standards.

(4) The decision of the Council for Statistics is consultative.

(5) The Council for Statistics has the following structure:

- a) three representatives of the central statistical body;
- b) one representative of the Moldovan Academy of Science;
- c) one representative of the National Bank of Moldova;
- d) five representatives of the specialized bodies of the central public authorities;
- e) one representative of the specialized higher education;
- f) one representative of the trade unions;
- g) one representative of mass-media;
- h) one representative of the employers' organizations;
- i) one representative of the business sector.

(6) The members of the Council for Statistics shall be appointed through a Government Order, at the proposal of the respective institution.

(7) The chairperson of the Council for Statistics shall be appointed through a Government Order.

Article 13. Programs of Statistical Works

(1) The statistical information is produced by the official statistical bodies, except for the National Bank of Moldova, in accordance with the multi-annual and annual programs on statistical works, approved by the Government.

(2) The multi-annual program on statistical works establishes the main objectives and development directions of the official statistics for a 3-5 year period.

(3) The annual program on statistical works contains the measures aimed at assuring the activity of official statistical bodies as stipulated in the multi-annual program on statistical works and establishes the bodies responsible for the production of statistical information.

(4) The works carried out by the official statistical bodies in accordance with the program on statistical works are financed by the state budget.

Article 14. Financing of the central statistical body and its territorial subdivisions

(1) The central statistical body and its territorial subdivisions are financed from the state budget and from special means, in accordance with the legislation in force.

(2) The statistical works, conducted by the central statistical body and its territorial subdivisions, that are not specified in the program on statistical works shall be carried out on contractual basis and shall be paid by the beneficiaries.

Chapter III

CLASSIFICATIONS, CLASSIFIERS, NOMENCLATORS AND STATISTICAL REGISTERS

Article 15. Classification System

(1) The central statistical body develops and implements the system of main classifications and functional classifications, used for statistical purposes, adjusted to the international standards.

(2) The classifiers and nomenclators are developed by the central statistical body, in collaboration with the interested central public authorities, and are approved by the national standardization body, at the proposal of the central statistical body.

(3) The classifications, classifiers and nomenclators developed by the central statistical body and approved by the national standardization body are used in all economic and social fields and are compulsory for all central and local public

authorities, other legal persons as well as physical persons, in accordance with the legal and regulatory norms in force.

(4) The central statistical body has the exclusive right to publish and spread the classifiers and nomenclators.

Article 16. Statistical Registers

(1) The central statistical body creates and manages the statistical registers:

- a) to develop a database for the statistical surveys;
- b) as a means of information while effecting the statistical analysis on the totality and demography of statistical units;
- c) as an instrument of statistical information spreading.

(2) The central and local public authorities, other legal persons that manage databases on physical and legal persons shall submit free of charge, at the request of the central statistical body, the available statistical information to create and update the statistical registers.

Chapter IV

STATISTICAL SURVEYS

Article 17. Types of Statistical Surveys

(1) The statistical surveys may be exhaustive and selective.

(2) The population censuses are carried out every 10 years on the basis of a separate law.

(3) The general agricultural censuses and other censuses are carried out on the basis of a Government order.

Article 18. Obligations of Respondents

(1) When conducting the surveys, according to the program of statistical works, the respondents shall:

- a) submit free of charge to official statistical bodies veridical and thorough data, as required by the central statistical body;
- b) provide the representatives of the official statistical bodies with free access to the confirmation documents, and if needed, to the work and production places, premises, land plots, according to the legislation in force.

(2) The physical persons cannot be obliged to provide personal information about the ideological beliefs, political membership, criminal record, health and intimate life.

Article 19. Sources of Data Collection

(1) The official statistical bodies are empowered to solicit and collect free of charge the data needed for statistical information production from such sources as: respondents' answers, administrative data held by central and local public authorities, other legal persons.

(2) The central and local public authorities and other legal persons that hold administrative data shall submit the requested primary and generalized information free of charge to the official statistical bodies.

Article 20. Administrative Data

The public authorities that collect administrative data in order to exercise their duties or manage such databases shall coordinate their content and volume with the central statistical body.

Article 21. Dissemination of Statistical Information Access to this Information

(1) The official statistical bodies assure the dissemination of statistical information specified in the program of statistical works, so as to provide all users with equal and simultaneous access.

(2) The statistical information shall be submitted to the President's Office, Parliament, Government, central and local public authorities, National Bank of Moldova, Moldovan Academy of Science, Chamber of Trade and Industry, mass-media means, and trade unions within the established volume and deadlines, in accordance with the program on statistical works.

(3) Other user categories except the ones stipulated in paragraph (2) have access to statistical information against a fee.

(4) The official statistical bodies assure the spreading of the statistical information according to the program of statistical works, respecting the information confidentiality and protection.

(5) When the statistical information is used in mass-media, other information systems, scientific papers, the users shall indicate the source.

Chapter V

CONFIDENTIALITY OF THE STATISTICAL INFORMATION

Article 22. Confidential Statistical Information

(1) The information collected, processed and stored for the production of statistical information is confidential if it allows direct or indirect identification of either physical or legal persons and reveals individual data.

(2) The following information is not confidential:

a) information that may be obtained from sources accessible to the public, according to the legislation;

b) individual information about the address, telephone, name, type of activity, staff number of the legal and physical persons that carry out entrepreneurial activities;

c) information about state owned enterprises, submitted at the request of the relevant central and local public authorities;

d) information about the central and local public authorities, public health facilities, other public institutions, generalized at the unit level.

Article 23. Use of Confidential Statistical Information

(1) The confidential statistical information is used exclusively for the production of official statistical information or in scientific purposes, in accordance with the present law.

(2) The confidential information cannot be conveyed to other physical or legal persons, except for other official statistical bodies, in order to produce statistical information.

(3) When official statistical bodies exchange information, they must take all measures to assure its confidentiality.

(4) The individual statistical data cannot serve as evidence in courts of law.

Article 24. Access to Confidential Statistical Information

(1) Access to confidential information is granted to people who, according to their job duties, participate in the production of statistical information, to the extent to which the confidential information is needed for the production of the aforementioned information.

(2) The access to confidential information that does not lead to direct identification may be granted through the decision of the general director of the central statistical body for research projects, strategies and programs of national importance, whose expected outcomes cannot be referred to identifiable individual units.

(3) Access to confidential information for scientific purposes is granted to people who, according to their job duties, are directly involved in the research projects, to the extent to which the confidential information is needed for these projects, provided that there is not any obvious risk of breaking the individual data protection regime and interfering in people's private life.

(4) Access is granted only under the condition that the measures of information protection, stipulated in article 26, are taken.

Article 25. Information Dissemination

(1) The statistical information shall not be spread to users if it contains confidential information. In this case, the generalized information shall contain data about at least 3 units, and the share of one unit shall be at most 85% of the generalized information.

(2) It is allowed to spread the information collected from legal or physical persons that carry out entrepreneurial activity regarding the economic or environmental situation, even if the information does not meet the requirements stipulated in paragraph(1), if it is necessary to inform the society about major problems, and the program on statistical works provides for its dissemination.

Article 26. Measures of Protection

(1) The official statistical bodies shall take all the necessary regulatory, administrative, technical, and organizational measures to protect the confidential statistical information and prevent its disclosure.

(2) The staff of official statistical bodies, reviewers, interviewers and other people that, according to their job duties, have direct access to individual data, must keep the data confidentiality, including after leaving their positions.

(3) The people involved in statistical surveys shall neither use the obtained information for other purposes nor reveal it in any form.

Chapter VI

LIABILITY

Article 27. Liability for Breaking the Present Law

The persons that break the present law bear liability in conformity with the legislation.

Chapter VII

FINAL AND TRANSITORY PROVISIONS

Article 28

(1) When the present law enters into force, Law No. 412-XII dated 18 December 1990 on statistics, with its subsequent amendments, shall be annulled.

(2) Within 6 months the Government shall:

- a) submit to the Parliament proposals on adjusting the legislation to the present law;
- b) adjust its normative acts to the present law.

CHAIRPERSON OF THE PARLIAMENT

EUGENIA OSTAPCIUC

Chişinău, 9 December 2004.
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