

THE STATISTICS ACT, 2002

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THE UNITED REPUBLIC OF TANZANIA



No. I OF 2002

I ASSENT

President

28th March, 2002

An Act to make better provisions in relation to the functions and powers of the National Bureau of Statistics with respect to collection, compilation, analysis and publication of Statistical information on economic, social and cultural activities; to conduct census and to provide for consequential matters.

I _____ I

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Statistics Act, 2002 and shall come into operation on the date on which the Minister may by notice published in the *Gazette*, appoint.

Short title
and
commence-
ment

2. This Act shall apply to Tanzania Mainland in all matters specified in the Second Schedule and shall apply to Tanzania Zanzibar in respect of census on population and housing.

Application

3. In this Act unless the context requires otherwise-
"authorised officer" means a person appointed as such under section 12;
"Board" means the Ministerial Advisory Board;

Interpreta-
tion

"census" means a census of population & housing;

"Director General" means the Chief Executive of the National Bureau of Statistics appointed under section 9 (1);

"Minister" means the Minister responsible for Statistics;

"respondent" means any person who supplies or is required to supply statistical information;

"return" means any book, document form, card, tape, disc or storage media on which the information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

"sampling" means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or undertaking concerned in the field of inquiry.

"statistics" means information in connection with, or incidental to, any census or all or any of the matters specified in the Second Schedule;

"survey" includes a survey of undertakings or persons whereby information is collected from all persons in a field of inquiry or from a sample thereof, wholly or primarily for statistical purpose;

"undertaking" means any undertaking by way of a trade or business whether or not the trade or business is carried out for profit, and includes a Ministry or Government Department, statutory body, local government body, and any other form, organization or body of person or any part thereof and includes a branch of an undertaking,

PART II

THE NATIONAL BUREAU OF STATISTICS

Continuation of the Bureau

4.- (1) There shall continue to exist the National Bureau of Statistics also to be known by its acronym the Bureau.

(2) The National Bureau of Statistics shall be a public office authoritative in relation to collection, compilation, and analysis and publication of statistical information economic, social and cultural activities.

(3) the National Bureau of Statistics shall be responsible for organization, of a scheme economic and social statistics with a view to co-ordinate and disseminate such statistical information.

- 5.-(I) The functions of the National Bureau of Statistics shall be-
- (a) to take any census in the United Republic of Tanzania;
 - (b) to draw up an overall national statistics plan for official statistics and keep it under continuous review;
 - (c) to establish statistical standards and ensure their use by all producers of official statistics so as among other things to facilitate the integration and comparison of the statistics produced both nationally and internationally;
 - (d) to co-ordinate statistical activities in the country so, as -
 - (i) to avoid duplication of efforts in the production of statistics
 - (ii) to ensure optimal Utilisation of available resources;
 - (iii) to reduce the burden on respondents for providing statistical data;
 - iv) to ensure uniform standards of statistical data;
 - (e) to collect, compile, analyse and disseminate statistics and related information;
 - (f) to maintain an inventory of all available official statistics in the country;
 - (g) to assist users in obtaining international statistics;
 - (h) to provide statistical services and professional assistance to official bodies and the public at large;
 - (i) to act as a contact point for international organisations and foreign, institutions in need of statistics on matters relating to Tanzania.

Functions
of the
Bureau

(2) The National Bureau of Statistics shall before performing functions which extend to Tanzania Zanzibar be required to make consultation with the office of the Government Statistician Zanzibar.

PART III

MINISTERIAL ADVISORY BOARD

Establish-
ment of
the Board

6. -(1) There shall be a Ministerial Advisory Board, hereinafter referred to as the Board, whose members shall be appointed by the Minister.

(2) The Board shall consist of the Permanent Secretary of the Ministry responsible for statistics who shall be the chairman and not more than eight other members.

(3) In appointing other members of the Board, the Minister shall ensure that the person to be appointed possesses the necessary qualifications, expertise and experience on matters related to statistics and economic planning and the need to include in its membership persons who are not in the public service and persons who are representative of the interests of the Bureau's clients.

(4) The Board may, wherever necessary invite any person to provide specific expertise during its meeting, but such 'invited person shall not have the right to vote.

Functions
of the
Board

7. The functions of the Board shall be to give advice to the Minister on the adequacy of the Bureau's plan and performance of day to day functions regarding set targets and the carrying out of policy priorities on matters such as:

- (a) the development and maintenance of a strategic framework;
- (b) setting the objectives of the Bureau;
- (c) the setting of priorities and annual performance targets for the Bureau,
- (d) the acceptability of the annual reports and accounts;
- (e) the evaluation of the Bureau's performance; and
- (f) any other matter provided under any written law.

Role of
Perma-
nent
Secretary

8. The Permanent Secretary shall be responsible for the strategic management of the Bureau, due regard being had on the need to uphold the Bureau's functioning as an executive agency of the Government.

9. -(I) There shall be a Director General of the National Bureau of Statistics appointed on a competitive basis by the Minister upon recommendations of the Board.

Director
General
of the
bureau

(2) The Director General shall be the Chief Executive officer responsible for the day to day management of affairs of the Bureau including funds, property and business of the Bureau and for the administration, organisation and control of the staff.

(3) The Director General shall be an "ex-officio" member of the Board.

10. Subject to laws relating to recruitment, the Director General shall engage such other officers and employees as he may consider necessary or desirable for the efficient and effective exercise of powers and the discharge or performance of the functions of the Bureau.

Other
staff

this Act shall, before assuming duties, make and Subscribe before a commissioner for oaths all oath or affirmation in the manner and form set Out in the First Schedule.

Oath of
Secrecy

population it shall be sufficient if he makes in Swahili or English language and delivers or transmits to an authorized officer a written declaration in the manner and form set out in the First Schedule.

12. The Director General may, in writing, designate on temporary terms, additional persons to the staff of the Bureau as authorised officers for the purpose, of collecting of specific statistical information under this Act in such terms and conditions as he may determine.

Aulthorised
officers

13. No act done by any member of the Board or by officer or employee of the Bureau if done or omitted to be done in good faith in the exercise or performance exercise or purported exercise or performance of his duties or functions as a Member or as an officer or employee of the Bureau shall subject to member, employer or officer to any action, liability or demand of any kind.

Exemp-
tion from
liability

PART IV

COLLECTION AND DISSEMINATION OF STATISTICAL INFORMATION

The
decennial
popula-
tion
census

14.-(1) The President may, by Order direct a population census to be taken in the whole country or any part of the country as the Order may specify.

(2) Subject to subsection (3), the Order may specify-

- (a) the date on or between which such census to be taken; and
- (b) the information to be obtained in the census;

(3) The Bureau shall not take a census until regulations have been made by the President prescribing-

- (a) particulars and informations to be furnished on the taking of the census;
- (b) manner and form in which census is to be conducted;
- (c) times and places at which census is-to be conducted; and
- (d) persons by whom the particulars and information shall be furnished.

Collec-
tion of
other
statistics

15.-41) The Bureau may, collect statistics relating to all or any of the matters specified in the Second Schedule.

(2) For the avoidance of any doubt, the Bureau shall establish statistical standards and ensure their use by all producers of official statistics so as may be necessary to facilitate the integration and comparison of the statistics produced both nationally and internationally.

(3) The Bureau shall cause the statistics collected and any statistical information made available and analysed and, subject to the provisions of this Act, may cause such statistics or abstracts to be published.

(4) The Director General may appoint any technical committee to advise him in the performance of his functions Under this Act.

16.-(1) The Bureau may make an agreement with any Ministry or Government Department, local authority or statutory body concerning information that they have authority to collect or to be collected jointly by the Bureau and the other Ministry or Government Department, local authority or statutory body and that such information be exchanged between the agreeing parties provided that the respondent shall, by notice in writing, be informed that the information is being collected Jointly by the Bureau with a Ministry or Government Department, local authority, Or statutory body, which notice shall state the purposes to which the information will be Put.

Joint
colle-
ctions

(2) Any employee of any Ministry or Government department, local authority or statutory body shall, if engaged in the joint collection of information or the processing of information collected in joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed under section I inspite of any declaration of secrecy made under any other Act.

17.-(1) Statistics relating to all or any of the matters set Out In the Second Schedule may be collected by sampling, in place of a full enumeration, where the use of that method is considered appropriate.

Sampling

(2) Sampling may also be used to test a questionnaire and a statistical procedure before finalisation.

(3) It shall not be a defence to a person who has failed to fill in a return or to answer any inquiry by reason only that only a portion or a particular group of persons is required to fill in the return or to answer the inquiry,

18. (1) Except for the purposes of prosecution under this Act-

- (a) no individual return or part thereof made for this purpose of this Act;
- (b) no answer given to any given question put for the purposes of this Act;
- (c) no report, abstract or any other document containing particulars contained in any such return or answer and so arranged as to enable the identification Of such particulars with any person, business or undertaking.

Restri-
ction on
disclosure
informa-
tion

shall be published, admitted in evidence or shown to any person not employed in the execution of a duty under this Act unless the previous consent in writing thereto has been obtained from the person making Such return Or giving Such answer, or in the case of a business or undertaking from the person having the control, management or superintendence of such business or undertaking.

(2) Subsection (1) shall not apply where the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerised data set for general access.

(3) Nothing in this section shall prevent or restrict publication of any such report, abstract or other document without such consent where particulars in such report, abstract or other document enable identification merely by reason of the fact that the particulars, relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, if the particulars do not render possible identification of the costs of production, the capital employed, or profits arising in any Such undertaking or business.

Exemption
on
disclosure

19. Notwithstanding section 1 8, the Bureau may disclose-

- (a) information available to the public under any enactment or public document;
- (b) information in the form of an index or list of the names and addresses of individual undertakings or businesses together with the telephone numbers at which they may be reached in relation to statistical matters, the industrial classifications allotted to them, the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, and the number of persons engaged;
- (c) details of external trade, movement of ships and aircraft, and cat-go handled at ports;
- (d) information relating to a local authority or other statutory body.

20.-(1) Subject to subsections (2) and (3), the Bureau may disclose information in the form of individual statistical record solely for bona fide research or statistical purposes provided that-

- (a) all identifying information such as the name and address of a respondent has been removed; and
- (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or undertaking or business to which it relates.

(2) Every person to whom any statistical records are disclosed pursuant to this section shall-

- (a) not attempt to identify any particular person or undertaking or business;
- (b) use the information for research or statistical purposes only,
- (c) not disclose the information to any other person or organization;
- (d) when required by the Director General, return all documents made available to him to the Director General;
- (e) comply with any directions given by the Director General relating to the records.

(3) Every person involved in the research or statistical project for which information is disclosed pursuant to this section shall make the declaration of secrecy set out in the First Schedule.

21. Where the statistical information which the Bureau collects under this Act from individual returns, worksheets, or any other confidential sources is to be copied or-recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for the processing, storage, or reproduction of particulars, the Bureau shall take Such steps as are necessary to ensure the security and-confidentiality of the statistical information.

Disclosure
of
unidenti-
fied
informa-
tion for
research
or
statistical
Purposes

Security
of
recorded
i n forma-
tion

Destruc-
tion of
individual
Forms and
returns

22. The Bureau shall account for and destroy under strict supervision all individual census and survey forms and returns used for the purposes of this Act and containing the name and address of a person or under- taking or business, after the data have been processed and validated but not later than ten years after the date of completion of any census or survey.

Power to
obtain
particulars

23. -(1) Where any census or a survey is being taken or any other statistics are being collected in accordance with the provisions of this Act, an authorised officer may in the manner specified in subsection (2), require any person to supply him with such particulars as may be prescribed or such of those particulars as the Director General may consider necessary or desirable in relation to the taking of such census or the collection of such statistics

(2) A person who has been required to supply any particulars pursuant to subsection (1) shall, to the best of his knowledge, information and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such time as may be specified by the authorised officer.

(3) An authorised officer may, at all reasonable times and upon production if required of his authorization.

- (a) connected with the taking of a census or a survey enter and inspect any premises including any dwelling house.
- (b) connected with collection of other statistics, enter and inspect any premises where activity for profit or gain is carried on,

and in either case may make such inquiries as may be necessary for the taking of the census or the collection of the statistics as the case may be.

Access to-
public and
other
records

24. Where the Director General is of the opinion that. the collection of statistics relating to any matter, can be obtained from any-

- (a) Government record or document
- (b) record or document belonging to any local government authority, other statutory body' or to any person.

information sought in respect of the matter in realization to, which the collection of statistics has been approved or directed, or information which would aid in the completion or correction of the statistics, any person who has the custody of any of the records to grant access to them or to any authorized officer of the Bureau for the purposes of getting the information required.

25. -(I) The Director General shall, in the performance of his functions, or promoting and facilitating development of any integrated and coordinated national statistical system or in the exercise of any other function under this Act, Consult and cooperate with other agencies or organisations having duties related to, or having aims or objectives similar to those of the Bureau.

Relation-
ship with
other
agencies

- (2) (a) Subject to subsection (1), the Bureau shall have the duty to control and co-ordinate all statistical activities in the country with a view to have an integrated statistical system and avoid duplication of efforts in the production of statistics, reduce the burden on respondents of providing data and to ensure optimal utilisation of available resources;
- (b) be the contact point for all official bodies, international organisations and the public in need of statistical services and professional assistance;
- (c) be the lead agency responsible for official statistics so that an institution or individual wishing to collect statistics for the purposes of publishing official statistics must necessarily employ standard concepts and definitions developed by Bureau;
- (d) have operational independence in the course of conducting its responsibilities under this Act and shall be directly accountable to the public through the parliament for the official production of statistics in Tanzania;
- (e) have the responsibility of providing approval for publication of all official statistics and a person wishing to publish, any official statistics shall be required to submit a draft of such statistical information to the Bureau for approval.

(3) In the performance of its function, the Bureau may sub-contract other local organizations. under the terms and conditions as may by agreed upon by the contracting parties.

Repeal
and
Savings.
Cap. 443

- 26.- 1) Tile Statistics Ordinance is repealed.
- (2) Notwithstanding subsection (1)-
- (a) any thing done or any action taken or purported to have been done or taken under the repealed Ordinance shall be treated as if they, have been done or taken under this Act,
- (b) all rules made under the repealed Ordinance, shall hi so far asunder they are lot inconsistent with tile Provisions of this Act remain in force until they are revoked.

PART V

OFFFNCS AND PENALTIES

Offences
and
penalties
generally

27. 1) Any person, being employed by the Bureau who.
- (a) by virtue Of his employment becomes possessed of any information which might influence or affect the market value of any share Or other security, interest, product or article and who, before Such information is made public, directly or indirectly uses such information for personal gain;
- (b) Without lawful authority publishes or communicates to arty person otherwise than in the ordinary course of li is employment any information acquired by him or her in the course of such employment.
- (c) deserts from his duty, or willfully makes Any declaration, statement or return in the performance of his duties, or compiles for issue any false statistics or information.
- (d) in the pretended Performance of his duties, obtains or *seeks to* obtain information that the person is not duly authorized to obtain;

- (e) asks receives or takes, in respect of Or in connection with his employment under this Act from any person, other than a public officer duly authorized thereto, any payment or reward,

commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) Any person who, being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of this Act, publishes or communicates to any other person such information. commits an offence and shall be liable on conviction to a fine not exceeding one million five hundred thousand shillings or to imprisonment for a term not exceeding eighteen months or to both Such fine and imprisonment

(3) Any person who -

- (a) hinders or obstructs any authorized officer in the lawful performance of any duties or in the lawful exercise, of any powers imposed or conferred upon him or her under this Act in the lawful exercise of any powers imposed or conferred upon him or her under this Act;
- (b) refuses or willfully neglects -
 - (i) to complete and supply within the time specified the particulars required in any return, form or other document left with or sent to him or her; or
 - (ii) to answer any question or inquiries put to or made of him under this Act;
- (c) knowingly makes in any return, form or other document completed by him or her under this Act, or in any answer to any question or inquiry put to or made of him under this Act, any statement which is untrue in any material particular;
- (d) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act;

- (e) not being an authorized officer, assumes the quality of, or represents himself to be, an authorized officer -
 - (i) With intent to obtain admission oil any premises which lie is not entitled to enter;
 - (ii) with intent to-do anything which lie is not entitled to do;
- (f) refuses without reasonable cause to grant records and documents In accordance with, section 23;
- (g) contravenes any provision of this Act,

commits an offence and shall be liable oil conviction to a fine not exceeding six hundred thousand shillings or to imprisonment for a term not exceeding six months or to both,

PART VI FINANCIAL PROVISIONS

Opera-
tional
principles

28. The, 'Bureau shall platform its functions in accordance with commercial principles and shall in that respect ensure that its revenues are sufficient to meet its out goings, including payment of operational costs.

Funds of
the
Bureau

29. The funds and resources of the Bureau shall consist of:-
- (a) **Moneys** received for goods and services provided under this Act;
 - (b) the sums borrowed, as may be appropriated by Parliament for the Bureau
 - (c) the sums borrowed, received by or made available to the for the purposes, of the discharge of its functions;
 - (d) the donations, grants and bequests as the Bureau or the Board may receive from any person of body of persons.

Borrow-
ing
powers

30. -(1) Subject to subsection (2), the Bureau may obtain loans or other credit facilities from any person for the purposes of meeting obligations of the Bureau.

(2) No loan or credit facility may be obtained by the Bureau pursuant to subsection (1) without prior approval of the Minister responsible for Finance on the terms and conditions which are commensurate to Government regulations on repayment of the principal and payment of interests.

PART V II

MISCELLANEOUS PROVISIONS

31. The Minister may make regulations for the better carrying into effect of the provisions of this Act and, in particular but without prejudice to the generality of the foregoing, make regulations-

Regulations

- (a) Prescribing the particulars and information to be furnished on the taking census or in relation to any matter in respect of which statistics may be collected;
- (b) prescribing the manner and form in which, the times and places at which, and the persons by whom information may be furnished;
- (c) prescribing the fees and charges to be paid for any special information or report supplied, or any special investigation carried on for any person;
- (d) making additions to or, deletion to or otherwise the matters specified in the Second Schedule.

SCHEDULES

FIRST SCHEDULE

Under Section 11)

EITHER

I, of solemnly swear before that shall faithfully and honestly fulfill my duties as in conformity with the requirements of the Statistics Act, 2002 and that I shall not without due authority in that behalf disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

Sworn before me this day of 200

.....
 COMMISSIONER FOP OATHS

OR:

I, of declare before that
 I will faithfully and honestly fulfill my duties as an enumerator in a census Of Population in
 conformity with the requirements of the Statistics Act, 2002 and that I will not without due
 authority in that behalf declare or make known & make use to any matter 01, thing which comes
 to any knowledge by reason of my employment as Such.

Declared before me this day of 200

.....
 COMMISSIONER FOR OATHS

.....
 JEDWALI LA KWANZA

.....
 (Chini ya Kifungu cha 11)

Aidha;

Mimi wa nikiwa
 na akili timamu naapa mbele ya kwamba nitatekeleza
 majukumu yangu kwa uaminifu na uadilifu kama
 kwa kuzingatia matakwa ya Sheria ya Takwimu, 2002, na kwamba sitatoa taarifa yoyote
 ninayoipata kutokana na kazi yangu hii bila kibali halali.

Kiapo kimetolewa mbele yangu tarehe mwezi mwaka

.....
 KAMISHINA WA VIAPO

au,

Mimi wa naapa
 mbele ya kwamba nitakuwa mwaminifu na muadilifu
 katika kutekeleza majukumu yangu kama Mdadisi katikt Sensa ya watu kuzingatia matakwa ya
 Sheria ya Takwimu, 2002, na kwamba sitatoa taarifa yoyote ninayoipata kutokana na kazi yangu
 hii bila kibali halali.

Kiapo kimetolewa mbele yangu tarehe mwezi mwaka

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 KAMISHINA WA VIAPO

SECOND SCHEDULE

(Under sections 15(l) and 17(1))

1. Population and Housing
2. Vital occurrences and morbidity
3. Immigration and emigration
4. Internal and external trade as well as International Travel and Tourism
5. Primary and secondary production
6. Agriculture, including dairying, horticulture, pastoral, and allied, industries
7. Forestry and fishing
8. Building and construction
9. Factories, mines and productive industries generally
10. Employment and unemployment
11. Salaries, wages, bonuses, fees, allowance, and any other payments and honoraria for services rendered
12. Expenditure and consumption
13. Income, earnings, profits, and interest
14. Social, educational, labour and industrial matters, including associations of employers, employees, and other persons generally
15. Industrial disturbances and disputes
16. Banking, insurance, and finance generally
17. Commercial and professional undertakings
18. Distributive trades
19. Health
20. Transport and communication in all forms such as land, water, or air
21. Wholesale and retail prices of commodities, rents, and cost of living
22. Injuries, accidents, and compensation
23. Stock of manufactured goods
24. Sweepstakes, lotteries, charitable and other public collections of money
25. Land tenure, occupation and use of land
26. Local Government Authorities
27. Law enforcement, the administration of Justice, punishments and rehabilitation measure
28. Social and physical environment
29. Household including family characteristics, conditions and activities
30. Handicrafts and rural industries
31. Assets including savings, liabilities and wealth of persons and undertakings, prices of property
32. Community, social, welfare, religious and personal services.

Passed in the National Assembly on 30th January, 2002

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Clerk of the National Assembly