

# **Statistics Act 1986 [10 MIRC Ch 10]**

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## **MARSHALL ISLANDS REVISED CODE 2004**

### **TITLE 10. - PLANNING AND ECONOMIC DEVELOPMENT**

#### **CHAPTER 10.**

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An Act to provide for the collection, compilation, analysis and publication of certain statistical information, and to provide for matters connected therewith or incidental thereto.

Commencement: March 6, 1986  
Source P.L. 1986-17  
P.L. 1993-44  
P.L. 2003-76

**PART I – PRELIMINARY**

**§1001. Short title.**

This Chapter may be cited as the Statistics Act 1986. [P.L. 1986-17, §1.]

**§1002. Interpretation.**

In this Chapter, unless the context otherwise requires:

- (a) 'authorized officer' means any person appointed as such under Section 1003(4) of this Chapter;
- (b) 'Minister' means the Minister in charge of the Economic Policy, Planning and Statistics Office as designated by the President.
- (c) 'National Statistician' means the Director of the Economic Policy, Planning and Statistics Office;
- (d) 'statistics' means information in connection with, or incidental to, all or any of the matters specified in Schedule 1, appearing at the end of this Chapter. [P. L. 1986-17, §2. amended by P.L. 1993-44, §3.][P.L. 2003-76]

**PART II- NATIONAL STATISTICIAN AND STAFF**

**§1003. Appointment.**

- (1) The Director of Planning and Statistics shall serve ex-officio as National Statistician who shall have and may exercise such powers and functions as are conferred by the Chapter.
- (2) Subject to the approval of the Public Service Commission, the National Statistician may, for the purpose of the performance of any of his duties under this Chapter, employ such persons in addition to the staff of the Office of Planning and Statistics as may be necessary for the particular purpose
- (3) The National Statistician may, in writing, appoint any person to be an authorized officer for the purposes of this Chapter.
- (4) Any power conferred by this Chapter on an authorized officer may be exercised by the National Statistician. [P.L. 1986-17, §3. amended by P.L. 1993-44, §3.]

**PART III- DUTIES AND POWERS OF NATIONAL STATISTICIAN**

#### **§1004. Duties of National Statistician.**

(1) In accordance with the provisions of this Chapter, it shall be the duty of the National Statistician:

(a) to collect, compile, analyze, abstract and publish statistical information relating to the commercial, industrial, agricultural, social, economic and general activities and condition of the people, institutions and environment of the Republic;

(b) to promote in consultation with the Chief Government Planner and other users of statistics in the Government of the Marshall Islands, the collection, compilation, and analysis of the type of information required for development planning and for the evaluation of plan implementation;

(c) to collaborate with departments of the Government of the Marshall Islands in the collection, compilation, analysis and publication of statistics from administrative records;

(d) to determine, in collaboration with governmental, semi-governmental and interested private bodies and organizations, standards (including concepts, definitions, classifications and procedures) for the collection, processing, and presentation of statistical information, and to ensure that the standards are implemented by government agencies; and

(e) generally to establish, develop and maintain a coordinated system of social and economic statistics in relation to the Republic.

(2) It shall be the duty of the National Statistician to make such arrangements and to do all such things as are necessary or convenient for the purpose of carrying into effect the provisions of this Chapter. [P.L. 1986-17, §4.]

#### **§1005. Collection of statistics.**

With the approval, or on the direction of the Minister, the National Statistician shall collect in the Republic or any part thereof, statistics relating to Section 1004(1)(a) of this Chapter, including any of the matters set out in Schedule I, appearing at the end of this Chapter. [P.L. 1986-17, §5.]

#### **§1006. Compilation and tabulation of statistics.**

The National Statistician shall cause the statistics collected under this Chapter to be compiled, tabulated and analyzed and, subject to the provisions of this Chapter, may cause such statistics or abstracts thereof to be published, with or without comments thereon, in such manner as he may determine. [P.L. 1986-17, §6.]

#### **§1007. Restriction on publication.**

Except for the purposes of a prosecution under this Chapter, none of the following shall be published, admitted in evidence, or disclosed to any person not employed in the performance of any duties under this Chapter unless the consent in writing thereto has previously been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the owner or person having the control, management or superintendence of the undertaking or

business:

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

Provided, that nothing in this Section shall prevent or restrict the publication of any such report, abstract or document, without such consent, if the Minister, acting on and in accordance with the advice of the National Statistician, determines that it is in the national interest to do so, notwithstanding the possibility that this may enable particulars relating to an individual undertaking or business to be identified because of its dominant position in a particular sphere of activity. [P.L. 1986-17, §7.]

#### **§1008. Statistical instructions.**

The National Statistician may issue instructions as to:

- (a) standards to be complied with in the collection and dissemination of statistical information under or for the purposes of this Chapter;
- (b) the procedures for the collection and dissemination of such information; and
- (c) the form in which such information is collected and disseminated. [P.L. 1986-17, §8.]

#### **§1009. Departmental statistics.**

Before any department, agency or other instrumentality of the Government of the Marshall Islands, a Local Government Council, or statutory corporation, commences a new statistical collection, whether or not the results are for publication, it shall consult the National Statistician with respect to his functions under Section 1004 of this Chapter. [P.L. 1986-17, §9.]

#### **§1010. Power to obtain particulars.**

(1) Where any statistical information is being collected in accordance with the provisions of this Chapter, an authorized officer may require any person from whom particulars may lawfully be required under this Chapter to supply him with such particulars as may be prescribed or which the National Statistician may consider necessary or desirable in relation to the collection of such statistical information; and for such purposes such person shall, to the best of his knowledge and belief fill up such forms, make such returns, answer such questions and give all such information, in such manner and within such reasonable time, as may be required by the authorized officer.

(2) An authorized officer may require any person to supply him with particulars either by interviewing such person personally or by leaving at his last known address, or posting to his last known address, a form having thereon a notice requiring the form to be completed and returned in the manner and within the time specified in the notice.

(3) Where any particulars are, by any document purporting to be issued by an authorized officer, required to be supplied by any person, it shall be presumed until the contrary is proved:

(a) that the particulars may lawfully be required from that person in accordance with the provisions of this Chapter; and

(b) that the document has been issued by an authorized officer. [P.L. 1986-17, §10.]

#### **§1011. Access to public and other records.**

Where the Minister has approved, or directed the collection of statistics relating to any matter; and where the National Statistician is of the opinion that there can be obtained from any records or documents of the Government of the Marshall Islands, or from any records or documents belonging to any agency of the Government of the Marshall Islands, or from any statutory corporation, or from any local authority, or from any person, information sought with respect to the matter in relation to which the collection of statistics has been approved or directed as aforesaid, or information which would aid in the completion or correction of such statistics: any person who has the custody or control of any such record or document shall on request, grant access thereto to the National Statistician or any authorized officer for securing therefrom, such information. [P.L. 1986-17, §11.]

#### **§1012. Power to enter premises.**

An authorized officer may (at all reasonable times and upon production if so required, of his authorization, for any purpose connected with the collection of statistics required under this Chapter) enter and inspect any land, building, vehicle or vessel where persons are employed, except a dwelling house, and may make such inquiries as may be necessary for the performance of his duties. [P.L. 1986-17, §12.]

### **PART IV - OFFENSES AND PENALTIES**

#### **§1013. Improper use or disclosure of information.**

(1) Subject to Subsection (4) of this Section, any person employed in the performance of any function under or for the purposes of this Chapter, who:

(a) by virtue of such employment or function becomes possessed of any information which might influence or affect the market value of any share, interest or other security, or any product or article; and

(b) before the information is made public, uses it, directly or indirectly, for gain to himself or any other person,

shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding three (3) years, or both.

(2) Subject to Subsection (4) of this Section, any person employed in the performance of any duty under or for the purposes of this Chapter who, without lawful authority, discloses to any person otherwise than in the course of that employment any information that comes into his possession in the course of that employment shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding two (2) years, or both.

(3) Subject to Subsection (5) of this Section, any person who is in possession of any information which, to his knowledge, has been disclosed in contravention of this Chapter, and who without lawful authority, discloses to any person otherwise than in the course of employment under or for the purposes of this Chapter, any such information, shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding two (2) years, or both.

(4) It shall be a defense to a charge under Subsection (1) or (2) of this Section, if the person charged proves that the information which is the subject of the charge also came into his possession before the alleged offense in a way not amounting to a contravention of this Chapter.

(5) It shall be a defense to a charge under Subsection (3) of this Section, if the person charged proves that the information which is the subject of the charge had, before the alleged offense, already been made public, or disclosed to the person to whom he disclosed it, in a way not amounting to a contravention of this Chapter. **[P.L. 1986-17, §13.]**

#### **§1014. Offenses in relation to the collection, etc.**

Any person who does any of the following shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both:

(a) refuses or neglects to complete and supply the particulars required in any return, form or other document, lawfully left or sent, or to answer any question or inquiry made under the authority of this Chapter:

(b) knowingly or recklessly makes in any return, form or other document, completed or supplied under this Chapter, or in any answer to any question or inquiry made under the authority of this Chapter, any statement which is untrue in any material particular;

(c) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Chapter; or

(d) refuses without reasonable cause to grant access to records and documents in accordance with the provisions of Section 1011 of this Chapter. **[P.L. 1986-17, §14.]**

#### **§1015. Obstruction, etc.**

A person who hinders or obstructs, or fails to comply with any lawful instruction direction, or requirement of, an authorized officer in the performance of his functions under this Chapter, shall be guilty of an offense and shall, upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. **[P.L. 1986-17, §15.]**

### **PART V - MISCELLANEOUS**

#### **§1016. Privileged information.**

(1) Nothing in this Chapter shall be construed as affecting any other law relating to the disclosure of any official, secret or confidential information.

(2) No person shall be required under this Chapter to supply information which necessitates the

disclosure of any technical process or trade secret in or relating to an undertaking of which he is an owner, or in the conduct or supervision of which he is engaged. [P.L. 1986-17, §16.]

#### **§1017. Questions as to other persons.**

(1) Subject to Subsection (2) of this Section, notwithstanding anything in this Chapter no person shall be compelled under this Chapter to disclose any information concerning any other person.

(2) Subsection (1) of this Section shall apply with respect to:

(a) information concerning a company or association (corporate or unincorporate) of which the person concerned is a member, officer or servant;

(b) information concerning a dependent or member of the household of the person concerned, or a person for whom he is by law or by custom responsible; or

(c) information for the purpose of population statistics concerning the presence in any place or the absence from any place, of any person, together with relevant details of him.

[P.L. 1986-17, §17.]

#### **§1018. Reports.**

The National Statistician shall, at least once in every period of twelve (12) months, or when so directed by the Minister, make a report to the Minister for presentation to the Nitijela, on the collection of information for the purposes of this Chapter, and on the administration of this Chapter. [P.L. 198617, §18.]

#### **§1019. Directions by the Minister.**

(1) The Minister may give to the National Statistician such directions, not inconsistent with this Chapter, as he thinks proper with respect to the performance of the functions of the National Statistician or of authorized officers under this Chapter, either generally or in a particular case.

(2) In the performance of their functions under this Chapter, the National Statistician and authorized officers shall comply with any directions given under Subsection (1) of this Section. [P.L. 1986-17, § 19.]

#### **§1020. Regulations.**

The Minister may make regulations, not inconsistent with this Chapter, generally for the better implementation of the provisions thereof, and, in particular, but without prejudice to the generality of the foregoing, may make regulations:

(a) prescribing the particulars and information to be furnished in relation to any matter in which statistics may be collected under the provisions of this Chapter;

(b) prescribing a tariff of fees to be paid to the National Statistician for the furnishing of statistics compiled under this Chapter, and for any special information or report supplied or special investigation carried out, by him. [P.L. 1986-17, §20.]

## **§1021. Amendment of Schedule I.**

The Minister may, by order, amend Schedule 1, appearing at the end of this Chapter. [P.L. 1986-17, §21.]

## **§1022. Oath of Secrecy.**

Every person employed in the performance of any duty under this Chapter shall, before beginning his duties, take and subscribe before a judge of any court or other person authorized by law to administer oaths, an oath in the form set forth in Schedule 2, appearing at the end of this Chapter, or make an affirmation to the same effect. [P.L. 1986-17, § 22.]

### **SCHEDULE 1**

**Reference Sections: 1002(d); 1005; 1021; Statistics Act 1986**

1. Population and housing.
2. Vital occurrences and morbidity.
3. Immigration and emigration.
4. Internal and external trade.
5. Primary and secondary production.
6. Agriculture, including dairying, horticulture, pastoral and allied industries
7. Forestry and fishing.
8. Factories, mines and productive industries generally.
9. Employment and unemployment.
10. Salaries, wages, bonuses, fees, allowances and any other payments in case or kind and honoraria for services rendered.
11. Income, earnings, costs of production, profits and interest, and household expenditure.
12. Social, educational, labor and industrial matters, including associations of employers, employees and other persons generally.
13. Industrial disturbances and disputes.
14. Banking and finance generally.
15. Commercial and professional undertaking.
16. Distributive trades.
17. Health.
18. Transport and communication in all forms by land, water or air.
19. Wholesale and retail prices of commodities, and cost of living.
20. Injuries, accidents and compensation.
21. Stocks of manufactured and un-manufactured goods.
22. Sweepstakes, lotteries, charitable and other public collections of money.
23. Land tenure, the occupation and use of land and the produce thereof.
24. Local government.
25. Fire, marine, life, and accident insurance.
26. Transfers of land, mortgages or privileges on land, and lease of land.
27. Information required for the computation of the national income of the Republic.
28. Crime and Law Enforcement.
29. Weather and other environmental conditions.
30. Any other matter as directed by the Minister.

### **SCHEDULE 2**

**Reference section: 1022, Statistics Act 1986.**

### **Oath of Secrecy**



I, \_\_\_\_\_, do solemnly swear that I will fully and honestly fulfill my duties in accordance with the Statistics Act, 1986, and that I will not without due authority, disclose any information acquired by virtue of those duties or, until the information is made public, directly or indirectly use it for personal gain for myself or any other person. So help me God!

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