

Announced with
the President of the
Republic Resolution
No 703 of 21 June 2010

OFFICIAL STATISTICS ACT

Passed 10 June 2010

Chapter 1

GENERAL PROVISIONS

§ 1. Official statistics

(1) For the purposes of this Act, “official statistics” means quantitative, qualitative, aggregated and representative information characterising a collective phenomenon in a considered population and determined in the official statistical programme as a result of statistical production of data.

(2) Official statistics aim to reflect the condition and changes of the society and provide the society with the information relevant from the viewpoint of demographic, social, economic and environmental developments, including for drawing up development plans and making prognoses, designing different policies, conducting scientific and applied research and taking knowledge-based decisions.

§ 2. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to the administrative procedure provided for in this Act, taking into account specific features of this Act.

§ 3. Data

(1) For the purposes of this Act, “data” means micro-data and macro-data which a producer of official statistics, in order to perform tasks assigned thereto by law, collects from respondents either electronically or on paper, or processes. The pertinent data are also data

contained in administrative records and other databases and resulting from or collected in the course of the activities of state and local government agencies and other legal persons, which are used in producing official statistics.

(2) For the purposes of this Act, “micro-data” means detailed information characterising a specific statistical unit.

(3) For the purposes of this Act, “macro-data” means data obtained from micro-data as a result of the statistical processing and analysis thereof on the basis of a sound methodology.

§ 4. Official statistical programme and statistical action

“Official statistical programme” means a list of demographic, social, economic and environmental statistical actions compiled each year for the following five years, which proceeds from national and international needs for statistics. Statistical action is, for example, a survey, a census, a statistical publication and a statistical register.

§ 5. Respondent and statistical unit

(1) For the purposes of this Act, “respondent” means a legal person, branch of a foreign commercial undertaking located in Estonia, state or local government agency, sole proprietor, natural person, bailiff, notary and sworn translator, who are required to submit data to a producer of official statistics or from whom data are collected to produce official statistics.

(2) For the purposes of this Act, “statistical unit” means an object or subject, whom or which the data being collected, processed and disseminated while producing official statistics, describe.

§ 6. Production of official statistics

(1) The production of official statistics shall encompass all activities related to the collection, statistical processing, statistical analysis, dissemination and storage of data for official statistics, and the further development of these activities.

(2) “Statistical processing” means the cleaning and preparation of data for statistical analysis in accordance with the statistical methodology, including imputation, validation, editing of micro-data, linking of data and derivation of new variables.

(3) The data sets and statistical registers established in producing official statistics are not databases for the purposes of the Public Information Act.

(4) “Statistical register” means a set of data relating to directly identifiable statistical units, which is used to produce official statistics.

§ 7. Principles and quality criteria of producing official statistics

(1) Official statistics are produced in compliance with the statistical principles and quality criteria laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council (on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities), Council Regulation (EC) No 322/97 (on Community Statistics), and Council Decision 89/382/EEC, Euratom (establishing a Committee on the Statistical Programmes of the European Communities) (OJ L 87, 31.3.2009, pp 164–173).

(2) The quality criteria referred to in subsection (1) of this section need not be adhered to by the Bank of Estonia in the production of official statistics if the quality criteria of official statistics are set out in the statistical legislation governing the activities of the European Central Bank.

(3) A producer of official statistics shall publish on its web site assessments of the quality of the official statistics produced, and information about compliance, to the extent prescribed, or noncompliance with the quality requirements for official statistics.

Chapter 2

OFFICIAL STATISTICS GOVERNANCE

§ 8. Producers of official statistics

(1) The producers of official statistics are Statistics Estonia and, to the extent provided for in subsection 34 (1) of the Bank of Estonia Act, the Bank of Estonia.

(2) A producer of official statistics shall explain to the public the matters related to official statistics, including advantages of the methodology used over alternative methodologies, if the methodology used is not specified by European Union legislation, and shall give forward estimates about the methodology and impacts of amendments thereto. Information about the methodology used and the amendments envisaged shall be published on the web site of the producer of official statistics.

(3) The producers of official statistics are independent in their choice of statistical methods but shall coordinate such methods, within their respective spheres of competence, with one another. All further amendments to the methodology shall also be coordinated.

(4) The producers of official statistics shall cooperate in the field of statistics, at both national and international level, with government agencies, research institutions, commercial undertakings and civil associations as well as with experts in relevant fields.

§ 9. Statistics Estonia

(1) Statistics Estonia, operating in the area of the Ministry of Finance, is a government agency that produces official statistics and exercises state supervision on the bases of and to the extent provided for in this Act.

(2) The tasks of Statistics Estonia shall be:

- 1) to produce official statistics pursuant to the procedure provided for in this Act;
- 2) to compile, in cooperation with the Bank of Estonia, representatives of public interest and the Statistical Council, the part of the official statistical programme to be submitted to the Government of the Republic;
- 3) to coordinate the production of official statistics;
- 4) to coordinate the system of classifications;
- 5) to ensure the technical servicing of the Statistical Council;
- 6) to perform other functions provided by law.

(3) In the performance of the tasks listed under subsection 2 of this section, Statistics Estonia must be professionally independent for the purposes provided for in Regulation (EC) No 223/2009 of the European Parliament and of the Council.

(4) Statistics Estonia shall act as a national contact point for the Statistical Office of the European Communities (*Eurostat*).

§ 10. Director General of Statistics Estonia

(1) The Director General of Statistics Estonia shall have knowledge, know-how and experience necessary for performing the duties of the head of Statistics Estonia. A person may work as Director General of Statistics Estonia provided he has at least five-years' experience of the successful management of an organisation or structural unit and holds at least a Master's degree in statistics or economics or related speciality or a qualification

corresponding to it for the purposes of subsection 28 (2²) of the Republic of Estonia Education Act or a qualification corresponding to it which has been acquired in a foreign educational establishment.

(2) During his term of office the Director General of Statistics Estonia shall not participate in the activities of political parties and hold any other remunerative jobs or posts, with the exception of teaching and research.

(3) The Director General of Statistics Estonia shall:

- 1) be responsible for cooperation with the Bank of Estonia in the production of official statistics;
- 2) decide on the use of statistical methods and standards, and on the content, form of dissemination and timing of the data subject to dissemination;
- 3) perform other tasks assigned to him by other legislation.

§ 11. Appointment to and release from office of Director General of Statistics Estonia

(1) The Director General of Statistics Estonia shall be appointed to office by the Government of the Republic on the proposal of the Minister of Finance for a term of five years.

(2) For filling the post of the Director General of Statistics Estonia, a public competition shall be announced pursuant to the procedure provided for in the Public Service Act. The committee conducting the competition shall hear the opinion of the Statistical Council about the suitability of a candidate.

(3) The Director General of Statistics Estonia shall be released from office by the Government of the Republic on the proposal of the Minister of Finance. The Minister of Finance shall beforehand hear the opinion of the Statistical Council.

§ 12. Statistical Council

(1) The objective of the activities of the Statistical Council is, through advising and opinion giving, to contribute to achieving the aims of official statistics.

(2) The Statistical Council shall:

- 1) advise a producer of official statistics on the compilation of the official statistical programme;

- 2) give Statistics Estonia recommendations for coordinating the production of official statistics;
 - 3) deliver the Minister of Finance its opinion about the official statistical programme and amendments thereto before their approval;
 - 4) advise a producer of official statistics on the production of official statistics, including implementation of statistical principles and quality criteria;
 - 5) give the Minister of Finance an estimate about the costs of production of official statistics and present it in its annual report;
 - 6) give the Minister of Finance recommendations and deliver its opinion in the sphere of statistical legislation;
 - 7) express its opinion about the suitability of a candidate to the committee conducting the public competition for filling the post of Director General of Statistics Estonia and to the Minister of Finance about the release of the Director General of Statistics Estonia from office.
- (3) In order to perform its duties, the Statistical Council has the right to seek for the necessary information from producers of official statistics and other relevant persons and institutions.
- (4) Through the Minister of Finance, the Statistical Council shall submit to the Government of the Republic an annual report on the Statistical Council's activities for a calendar year by 30 April of the following year at the latest. The annual report shall be published on Statistics Estonia's web site.

§ 13. Setting-up of Statistical Council

- (1) On the proposal of the Minister of Finance, the Government of the Republic shall set up the Statistical Council by its order. The term of office for every Statistical Council membership shall be four years.
- (2) The Statistical Council shall be composed of 13 members as follows:
- 1) one member from Statistics Estonia;
 - 2) one member from the Bank of Estonia;
 - 3) one member from the Data Protection Inspectorate;
 - 4) ten members from among the representatives of users and respondents and from among experts.

(3) The experts set out in clause (2) 4) of this section shall be appointed so that the experts in statistics, demography, social sphere, environment and economy, including agriculture, are represented.

(4) No remuneration shall be paid to the members of the Statistical Council for the participation in the Statistical Council's activities.

(5) The Government of the Republic shall establish the Statistical Council's rules of procedure by a regulation.

§ 14. Management of Statistical Council

(1) The Statistical Council shall be managed by the Chairman to be elected by the Statistical Council's members from among themselves.

(2) The Chairman of the Statistical Council shall:

- 1) represent the Statistical Council;
- 2) organise the work of the Statistical Council;
- 3) convene and chair meetings of the Statistical Council;
- 4) pass the Statistical Council's proposals, decisions, opinions and recommendations to the producers of official statistics, the Minister of Finance and the committee set out in clause 12 (2) 7) of this Act.

§ 15. Termination of powers of Statistical Council member

(1) The powers of a member of the Statistical Council shall be terminated upon termination of the powers of the Statistical Council's membership.

(2) The Government of the Republic may recall, on the proposal of the Minister of Finance, a Council member before termination of his powers by way of exception and appoint a new member to replace him if:

- 1) the person submits resignation;
- 2) the institution having proposed the person makes a motion to recall him;
- 3) the person has not participated in the Statistical Council's activities during a period of six months.

Chapter 3

OFFICIAL STATISTICAL PROGRAMME AND REPORTING

§ 16. Parts of official statistical programme

(1) The official statistical programme (hereinafter also referred to as *programme*) shall be composed of:

- 1) a list of statistical actions approved by the Government of the Republic;
- 2) a list of statistical actions approved by the President of the Bank of Estonia.

(2) The programme shall include the following information about a statistical action:

- 1) title;
- 2) legal basis;
- 3) statistical indicators;
- 4) periodicity;
- 5) reference period or moment;
- 6) anticipated cost;
- 7) information about envisaged revisions to methodology.

(3) Unless the programme comprises information on the legal basis for the statistical action set out in clause (2) 2) of this section, it shall present data relating to the institution representing public interest and the objective of the statistical action for the purposes of subsection 1 (2) of this Act.

§ 17. Compilation of programme

(1) In the compilation and implementation of the programme, a producer of official statistics shall communicate with state and local government agencies directly.

(2) In the compilation of the programme, public interest, the existence of data sources, the response burden of respondents and the cost-effectiveness of the production of official statistics shall be proceeded from. Furthermore, the state budget strategy and the budget draft for a subsequent year shall be taken into account.

- (3) In planning a statistical action, a producer of official statistics shall consult publicly respondents on the composition of data and the due date for submission thereof. Respondents shall be consulted early enough to enable their opinion to be taken into account and the respondents to adjust their usual operations, if need be, to submission of required data.
- (4) In the preparation of the official statistical programme, a producer of official statistics shall consult representatives of public interest, analyse the needs of users for the statistics produced, advise users on new needs and priorities and assess the administrative response burden arising from the submission of data for producing official statistics.
- (5) Each year, by 1 July at the latest, Statistics Estonia shall compile a list of statistical actions referred to in clause 16 (1) 1) of this Act and submit it to the Ministry of Finance.
- (6) A list of the statistical actions to be performed by Statistics Estonia shall be approved by the Government of the Republic by an order.

§ 18. Official statistical questionnaire

- (1) Official statistical questionnaire is a structured set of questions or indicators, either in an electronic form or on paper, used to collect data in performing statistical actions, which is in a reproducible form and is filled in by a respondent or interviewer.
- (2) The producers of official statistics shall publish questionnaires on their web sites.

§ 19. Reporting on programme

- (1) Each year, by 31 March, the Director General of Statistics Estonia shall submit, within the limits of his competence, a report (hereinafter referred to as *annual report*) to the Statistical Council and the Ministry of Finance on the implementation of the programme. The annual report shall be published on Statistics Estonia's web site.
- (2) The Minister of Finance shall submit the annual report to the Government of the Republic together with the Statistical Council's report on its activities by 30 April each year.
- (3) The annual report shall include:
- 1) an overview of the implementation of the programme;
 - 2) an overview of the existing and further added administrative burden of respondents;
 - 3) an overview of the users' satisfaction with official statistics;
 - 4) an overview of the assessment of the quality of administrative records pursuant to the right provided for in subsection 29 (2) of this Act.

- 5) a list of major statistical actions to be added to the programme during the subsequent four years, justification of the need for them and anticipated costs.
- (4) The Bank of Estonia shall present, within the limits of its competence, an overview of the implementation of the programme in the annual report of the Bank of Estonia.

§ 20. Statistical actions beyond programme

- (1) A producer of official statistics may perform, on the order of and financing by natural and legal persons, state and local government agencies and international and extra-territorial organisations, statistical actions beyond the programme unless performance of such actions interferes in the compilation and implementation of the programme. Statistics Estonia shall notify the Ministry of Finance of the performance of statistical actions beyond the programme.
- (2) In performing statistical actions beyond the programme, the principles and quality criteria of official statistics laid down in subsections 7 (1) and (2) of this Act shall be complied with.

Chapter 4

CENSUS

§ 21. Census

- (1) For the purposes of this Act, a Census is a total survey in the course of which data are obtained at a certain moment of time about the specified characteristics describing a statistical unit. Censuses are classified into:
- 1) Population Census;
 - 2) Housing Census;
 - 3) Agricultural Census.
- (2) The Government of the Republic may, by a regulation, establish a more specified procedure for the enumeration of the institutional households referred to in subsection 24 (4) of this Act.
- (3) The Government of the Republic may, by an order, form the Census Committee of the Government of the Republic for the purposes of organising a Census, which shall:

- 1) make proposals to the Government of the Republic and government agencies for the preparation of legislation relating to the organisation of Censuses and provide opinions concerning specified draft legislation;
- 2) co-ordinate the organisation of Censuses at state authority level and direct co-operation between state and local government agencies in the organisation of Censuses;
- 3) approve the schedule for the organisation of Censuses and monitor implementation thereof;
- 4) analyse the necessity of expenses related to the conduct of Censuses;
- 5) perform other duties related to Censuses, assigned to the Committee by the Government of the Republic.

§ 22. Purpose of Census and data collected in Census

(1) The purpose of a Population Census is to collect data relating to the size, structure, situation and distribution of the population of the state. In the collection and processing of data in the course of a Population Census, a producer of official statistics shall proceed from the requirements provided for in Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and housing censuses (OJ L 218, 13.8.2008, pp 14–20). Arising from the internal need for official statistics, the additionally collected and processed data on persons and household members shall be as follows:

- 1) the given name, surname and personal identification code (if there is one) of the person – identificational data;
- 2) the second place of residence, the duration of and reason for staying there; the place of birth of parents and grandparents; the place of residence before settling in Estonia: the place of residence at the time of the previous Census – geographical and migration data;
- 3) ethnic nationality, mother tongue, knowledge of foreign languages, religious affiliation, number of children given birth to, and age of a woman at the time of birth of her first child – demographic data;
- 4) sources of subsistence, length of working week, duration of unemployment – economic data;
- 5) place of educational institution, type and level of education of persons studying in the formal educational system – educational data;
- 6) existence of a long-term illness or health problem and impact thereof on normal activities – health data;

- 7) duration of and the main reason for staying in Estonia, relationship to the household – data from the citizens of a foreign state temporarily (for at least three months) staying in Estonia;
- 8) data on the difference between the actual and registered place of residence;
- 9) data on the temporary residents of a household;
- 10) data of an institutional household;
- 11) data on a household's agricultural activity and extent thereof.

(2) The purpose of a Housing Census is to collect data relating to dwellings in the state. In the collection and processing of data in the course of a Housing Census, a producer of official statistics shall proceed from the requirements provided for in Regulation (EC) No 763/2008 of the European Parliament and of the Council. Arising from the internal need for official statistics, additional data on the address, premises and technical facilities of dwellings are collected and processed.

(3) The purpose of an Agricultural Census is to collect data relating to the activities of agricultural holdings of the state. In the collection and processing of data in the course of an Agricultural Census, a producer of official statistics shall proceed from the requirements provided for in Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88 (OJ L 308, 24.11.2009, pp 27–46). Arising from the internal need for official statistics, the additionally collected and processed data are the following:

- 1) first name and surname, personal identification code (if there is one) and contact data of the holders of agricultural holdings;
- 2) detailed data on the agricultural crops with respect to the holdings which belong to the sample of the statistical action “crop farming”;
- 3) data supporting the quality of Census data.

§ 23. Obligations and rights of Census respondents

- (1) Respondents are required to answer all Census questions and give true and complete answers.
- (2) Respondents may give answers about their beliefs on a voluntary basis.

§ 24. Statistical units of and respondents to Population Census

- (1) Statistical units of a Population Census are natural persons and households.
- (2) A Population Census shall cover:
 - 1) persons who reside in the Republic of Estonia, including persons who are in a foreign state temporarily for a term of up to one year;
 - 2) persons who have been or are going to be in the Republic of Estonia for at least three months in succession;
 - 3) civil servants of Estonian representations around the world and their family members who are in a foreign state at the moment of the Census.
- (3) A Population Census shall not cover:
 - 1) members of the diplomatic staff of foreign diplomatic missions and consular posts and their family members;
 - 2) persons in active service in a foreign army.
- (4) For the purposes of this Act, a household means persons who live together and are linked by the common use of all available household facilities. A person living alone is also a household. Persons in social welfare, medical, recreational, penal and other institutions and in military service, who stay in institutions for a long time, form an institutional household.
- (5) Respondents to a Population Census are at least 15-year-old persons referred to in subsection (2) of this section, or chief or authorised processors of databases of state and local government agencies or other legal persons in public law, or authorised processors of databases of legal persons in private law performing public tasks.

§ 25. Statistical units of and respondents to Housing Census

- (1) Statistical units of a Housing Census are dwellings, buildings containing dwellings and other buildings occupied by natural persons.
- (2) Dwellings covered by a Housing Census are residential buildings, other buildings used for habitation, and other dwellings, regardless of their occupancy at the moment of the Census, and other premises occupied by natural persons and used for habitation.
- (3) A Housing Census shall not cover buildings of foreign diplomatic missions and consular posts, and dwellings located therein.
- (4) Respondents to a Housing Census are dwellers or owners of the dwellings referred to in subsection (2) of this section, or chief or authorised processors of databases of state and

local government agencies or other legal persons in public law, or authorised processors of databases of legal persons in private law performing public tasks.

§ 26. Statistical units of and respondents to Agricultural Census

(1) Statistical units of an Agricultural Census are units as defined in Regulation (EC) No 1166/2008 of the European Parliament and of the Council, and other units defined in the programme.

(2) Respondents to an Agricultural Census are natural or legal persons who are holders or representatives of holders of the statistical units as defined in subsection (1) of this section, or chief or authorised processors of databases of state and local government agencies or other legal persons in public law or authorised processors of databases of legal persons in private law performing public tasks.

§ 27. Tasks of local government units in conducting Census

(1) Local government units shall, in cooperation with a producer of official statistics, allow the conduct of a Census in their administrative territory, including:

- 1) granting access to the information at their disposal which is needed by a producer of official statistics for compiling the data to be used for conducting the Census;
- 2) assisting a producer of official statistics in finding the dwellings to be enumerated;
- 3) assisting a producer of official statistics in finding workrooms necessary and suitably furnished for conducting a Census;
- 4) assisting a producer of official statistics in communicating the information necessary for conducting a Census to the residents of their rural municipality or city.

(2) A producer of official statistics has the right to conclude agreements with local government units for performing other tasks related to the conduct of a Census but not referred to in subsection 1 of this section.

(3) The costs incurred by a local government unit in performing the tasks related to the conduct of a Census but not referred to in subsection 1 of this section shall be covered from the state budgetary funds allocated to take the Census.

Chapter 5

COLLECTION AND STATISTICAL PROCESSING OF DATA

§ 28. Obligations of respondents and access to information

- (1) At the request of a producer of official statistics, respondents are required to submit, by specified due dates, true and complete data to the extent of the questionnaire compiled on the basis of subsection 16 (1) and published in the manner referred to in subsection 18 (2) of this Act. No fee shall be paid for submission of data.
- (2) Natural persons submit personal data concerning themselves on a voluntary basis unless otherwise provided by law. Natural persons who own real estate, buildings or parts thereof or who possess agricultural land or farm animals or conduct international transactions, are required to submit the respective data in accordance with subsection (1) of this section.
- (3) At the duly justified request of a producer of official statistics, legal persons and state and local government agencies are required to disclose the subject matter of data they collect.
- (4) At the request of a producer of official statistics, chief processors of databases are required to submit data collected in the administrative records specified in subsection 29 (1) of this Act.
- (5) As an exception, a producer of official statistics may release a respondent wholly or partly, at a written request of the respondent, from the obligation provided for in subsection (1) of this section if submission of data is impossible.
- (6) Respondents have the right to access data relating to themselves which have been collected by a producer of official statistics.

§ 29. Use of administrative records and other databases

- (1) In the production of official statistics, a producer of official statistics shall primarily use data collected in administrative records and other databases, and data resulting from or collected in the course of the activities of state and local government agencies and other legal persons, if on the basis of these data statistics complying with the quality criteria of official statistics can be produced.
- (2) A producer of official statistics has the right to make proposals to amend the composition of data and classifications used in administrative records if the coverage, composition, degree of detail and quality of the data do not enable the production of official statistics conforming to the quality criteria of official statistics.

§ 30. Collection and statistical processing of data

- (1) A producer of official statistics shall inform respondents early enough of the composition of the data to be collected, the purpose of their use, the principles of statistical processing and dissemination and the due date for submission thereof. A producer of official statistics shall inform respondents of the liability upon noncompliance with the requirements provided for in this Act.
- (2) In the production of official statistics, a producer of official statistics has the right to establish statistical registers of data, deriving data from different administrative records and other data sources unless otherwise provided by law. The data collected in statistical registers to perform statistical actions may be used for the production of other official statistics, regardless of the purpose for which they were originally collected.
- (3) A producer of official statistics has the right to link micro-data collected from respondents and derived from different administrative records and other databases, using characteristics that permit direct or indirect identification of the statistical unit.

§ 31. Use of personal data in production of official statistics

- (1) In the production of official statistics, a producer of official statistics has the right to use personal data on the bases of and pursuant to the procedure provided for in the Personal Data Protection Act.
- (2) A producer of official statistics is not required to inform persons of the use of their personal data in producing official statistics.

Chapter 6

STORAGE OF DATA AND DISSEMINATION OF OFFICIAL STATISTICS

§ 32. Storage of data

- (1) A producer of official statistics shall store data according to the requirements laid down in this Act and the Archives Act.
- (2) A producer of official statistics shall keep micro-data relating to natural persons, during their validation, together with respective personal identification codes. After validation the personal identification codes shall be kept separately from other data relating to the persons, ensuring the possibility of their further linking.

§ 33. Dissemination of official statistics

- (1) A producer of official statistics shall disseminate official statistics in an objective and independent manner and in accordance with the release calendar published on the web site of the producer of official statistics. The producer of official statistics shall not disseminate official statistics prior to the due date indicated in the release calendar.
- (2) Official statistics are deemed disseminated as of the moment of making them available for public use by a producer of official statistics.
- (3) A producer of official statistics publishes on its web site a release calendar of official statistics for the next calendar year three months before the beginning of the next year at the latest. In compiling the release calendar the producer of official statistics shall take into account the needs of users.
- (4) The outcome of the statistical action performed under § 20 of this Act shall be made available to users at the first opportunity.

§ 34. Confidential data

- (1) “Confidential data” means data that permit direct or indirect identification of a statistical unit, thereby disclosing individual information.
- (2) For the purposes of this Act, a statistical unit is directly identifiable on the basis of data if the data include the name, address, or personal identification or registration code of the statistical unit.
- (3) For the purposes of this Act, a statistical unit is indirectly identifiable on the basis of data if, in the absence of characteristics that permit direct identification, the statistical unit may be identified on the basis of other data. In order to determine whether a statistical unit is identifiable, all possibilities that a third person may reasonably use to identify the said statistical unit shall be taken into consideration.
- (4) Persons who, in using data for the performance of their duties or for scientific purposes, have access to data that permit direct or indirect identification of a statistical unit, are required to ensure the use of data exclusively for statistical purposes and prevent their unlawful dissemination.
- (5) In the performance of any statistical actions, a producer of official statistics shall ensure the organisational, information technology related and physical protection of data.

(6) Requirements for the organisational, information technology related and physical protection of data collected and statistically processed by Statistics Estonia shall be established by the Government of the Republic by a regulation.

(7) Requirements for the organisational, information technology related and physical protection of data collected and statistically processed by the Bank of Estonia shall be established by the President of the Bank of Estonia by a directive.

(8) The chief processor of the personal data collected for the production of official statistics is a producer of official statistics.

§ 35. Dissemination of confidential data

(1) A producer of official statistics may disseminate data collected for the production of official statistics only in a form that precludes the possibility of direct or indirect identification of a statistical unit unless otherwise provided by this Act.

(2) A producer of official statistics may disseminate data that permit direct or indirect identification of a person only with the consent of the person, except in the case provided by this Act or if the data are public by law.

(3) A producer of official statistics may disseminate data that permit direct or indirect identification of a person without the consent of the person to:

- 1) another producer of official statistics within the respective sphere of competence and together with a comment on the confidentiality thereof;
- 2) the Statistical Office of the European Communities (*Eurostat*), to the national statistical institutes of the Member States of the European Union and participating Member States of the European System of Central Banks, within their respective spheres of competence, and, to the extent provided for in the European Union legislation, and together with a comment on the confidentiality thereof.

(4) A producer of official statistics may disseminate the following data concerning legal persons registered in the Republic of Estonia, branches of foreign commercial undertakings, state and local government agencies and sole proprietors which permit direct or indirect identification without the consent of the person:

- 1) registration code;
- 2) name and address;
- 3) legal status;
- 4) economic activity;

5) size group according to the number of persons employed;

6) size group according to turnover.

(5) A producer of official statistics may disseminate data that permit direct or indirect identification of a statistical unit for scientific purposes in accordance with the provisions of § 38 of this Act without the consent of the person.

(6) A producer of official statistics may disseminate industrial production statistics which permit indirect identification of a statistical unit at the most detailed level of the National List of Products, and exports and imports statistics at the most detailed level of the Combined Nomenclature unless the respondent has prohibited it.

(7) A producer of official statistics may disseminate data relating to natural persons which permit indirect identification, by sex, age and settlement unit without the consent of the persons.

§ 36. Public use files

(1) Micro-data may be disseminated in the form of a public use file which does not permit identification of the statistical unit, either directly or indirectly. The data files are formed applying specific disclosure control techniques.

(2) In the dissemination of public use files, the possibility for applying methods of statistical analysis by maintaining relations between variables shall be ensured.

(3) A producer of official statistics shall make the public use files available in accordance with the release calendar.

§ 37. Remote execution

(1) For the purposes of this Act, “remote execution” means a service under which the Bank of Estonia, research and development institutions and government agencies (hereinafter referred to as *applicant for remote execution*) can use confidential data for making statistical analyses in a manner which precludes the users’ direct access to confidential data.

(2) For the purposes of this Act, “research and development institution” is an institution specified in § 3 of the Organisation of Research and Development Act, a university or another establishment providing higher education or a research institution of a foreign state, or an institution listed in the relevant Decision of the European Commission.

(3) In order to use remote execution, the applicant for remote execution shall submit to the producer of official statistics an application comprising a list of required data, information

concerning the period and frequency of using remote execution and the justification of the need to use the data.

(4) The producer of official statistics shall assess the justification of the application and decide on allowing remote execution within ten days from the date of receiving the application.

(5) Remote execution shall be refused if the application is unjustified or it is not possible to provide the service to the extent requested by the applicant for remote execution. The producer of official statistics shall argue its decision to refuse remote execution.

§ 38. Dissemination of confidential data for scientific purposes

(1) Dissemination of confidential personal data for scientific purposes is allowed under the conditions provided for in the Personal Data Protection Act.

(2) In the dissemination of confidential data for scientific purposes, a producer of official statistics shall conclude a data transmission agreement with the user of data (hereinafter referred to as *user*), stating the purpose of the research, persons who have the right to use the transmitted data during the research, the procedure for processing and transmission of data and the obligation to ensure the organisational, physical and information technology related protection of data, and conditions for the destruction of data after completion of the research. The agreement referred to in this subsection shall not be concluded with natural persons.

(3) The producer of official statistics may refuse to conclude the data dissemination agreement with a user if:

- 1) it is not convinced that the data are used exclusively for scientific purposes;
- 2) personal data are desired to be used but the terms and conditions provided for in § 16 of the Personal Data Protection Act have not been complied with;
- 3) the user has violated the terms and conditions of the agreement concluded earlier with the producer of official statistics and on the opinion of the producer of official statistics the user has not taken sufficient measures in order to prevent violation of the terms and conditions of agreement in future.

(4) The producer of official statistics shall argue its decision to refuse to conclude the agreement.

(5) Data transmitted for scientific purposes must be used exclusively for the purpose stated in the agreement.

(6) A producer of official statistics shall establish the procedure for transmission of confidential data for scientific purposes.

- (7) Also data derived from administrative records and other databases may be transmitted for scientific purposes.

Chapter 7

STATE SUPERVISION OVER RESPONDENTS

§ 39. Precept

(1) In case of failure to submit data collected to perform statistical actions or in case of submission of distorted data, a producer of official statistics has the right to issue a precept to a person having failed to submit data or having submitted distorted data, in order to eliminate the violation.

(2) A precept shall include:

- 1) the given name, surname and post of the person issuing the precept;
- 2) the place and date of issuing the precept;
- 3) the given name and surname, or company name, and address of the addressee;
- 4) a factual reason for issuing the precept;
- 5) a clearly expressed claim and a legal basis for the claim;
- 6) the date by which the precept must be complied with;
- 7) the limit of penalty payment which shall be applied in case of failure to comply with the precept;
- 8) the procedure for and term of contesting the claim;
- 9) the signature of the person who issued the precept.

(3) In case of failure to comply with a precept, the producer of official statistics may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment is 30 000 kroons.

Chapter 8

LIABILITY

§ 40. Violation of requirements of Official Statistics Act

(1) Unlawful dissemination of data which have been collected in producing official statistics or enable identification of a respondent or the use of data for other than statistical purposes is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 41. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in § 40 of this Act.

(2) The Data Protection Inspectorate is a body conducting extra-judicial proceedings concerning the misdemeanours provided for in § 40 of this Act.

Chapter 9

IMPLEMENTING PROVISIONS

Division 1

Transitional provisions

§ 42. Conduct of official statistical surveys

(1) The list of official statistical surveys for 2010 approved by subsection 3 (2) of the Official Statistics Act (State Gazette I 1997, 51, 822; 2010, 22, 108) shall apply as a basis for the production of official statistics until 31 December 2010.

(2) The legislation enacted pursuant to subsection 3 (3) of the Official Statistics Act (State Gazette I 1997, 51, 822; 2010, 22, 108) shall apply until 31 December 2012.

§ 43. Official statistical programme for years 2011–2015

(1) The official statistical programme in conformity with the requirements of this Act shall be compiled for the first time for the years 2011–2015.

(2) The Statistical Council shall commence performance of the duty provided for in clause

12 (2) 1) of this Act starting from the compilation of the official statistical programme for the years 2010–2016.

(3) A report on the implementation of the official statistical programme as provided for in § 19 of this Act shall be prepared for the first time by 31 March 2012.

§ 44. Population and Housing Census 2011

(1) The 2011 Population and Housing Census shall be conducted at the time and as of the moment determined pursuant to subsection 2 (5) of the Population and Housing Census Act (State Gazette I 1998, 52/53, 772; 2009, 62, 405).

(2) The Census Committee of the Government of the Republic formed pursuant to subsection 21 (1) of the Population and Housing Census Act (State Gazette I 1998, 52/53, 772, 2009, 62, 405) shall continue its activities until the preparations for the 2011 Population and Housing Census have been completed.

§ 45. Transmission of address data supplemented in 2011 Population and Housing Census to chief processor of address data management system

(1) A producer of official statistics shall transmit the address data (geographical address, type of address object, the x- and y-coordinates of address point and the status of address object) collected in the course of the 2011 Population and Housing Census to the chief processor of the address data management system.

(2) The chief processor of the address data management system shall make the address data transmitted to him by a producer of official statistics available to the databases belonging to the state information system.

§ 46. Transmission of data collected in 2011 Population and Housing Census to chief processor of population register

(1) A producer of official statistics shall transmit, by the consent of respective persons, the data (place of birth, ethnic nationality, mother tongue, education, economic activity as well as the given and surnames and personal identification codes of the mother, father, spouse and children of the person) collected on them in the course of the 2011 Population and Housing Census to the chief processor of the population register.

(2) In case there are no data on a person's place of birth, ethnic nationality, mother tongue, education or economic activity or in case the data on education or economic activity have not been updated as of the moment of the Census, the authorised processor of the

population register shall enter the data obtained from the producer of official statistics in the population register.

(3) The chief processor of the population register shall use the data on a person's relationships (the person's mother, father, spouse, children) obtained from a producer of official statistics for assessing the quality of the data contained in the population register and for finding the source documents supporting the data entered in the population register.

§ 47. Use of earlier Census data

At Statistics Estonia, a statistical register shall be established on the basis of data collected in the 2000 Population and Housing Census and the register established shall further be used to produce official statistics.

§ 48. Data protection

The procedure established pursuant to subsection 8 (6) of the Official Statistics Act (State Gazette I 1997, 51, 822; 2010, 22, 108) for the protection of the data collected and processed by Statistics Estonia shall apply until the Regulation referred to in subsection 34 (6) of this Act has entered into force.

§ 49. Filling of post of Director General of Statistics Estonia

(1) The Minister of Finance shall announce a public competition for the post of the Director General of Statistics Estonia within 90 days after the entry into force of this Act.

(2) Until the appointment of the Director General by way of public competition, the duties of the Director General shall be performed by the Director General of Statistics Estonia holding office at the entry into force of this Act, who shall be deemed nominated for a designated period and whose service relationship shall be terminated on the day of appointment to office of the Director General of Statistics Estonia by way of public competition.

§ 50. Transition to register-based Population and Housing Census

(1) In order to switch over to the register-based Population and Housing Census, the Government of the Republic shall approve, by administrative records, a list of necessary actions, together with the term of action and the name of the responsible ministry.

(2) Statistics Estonia shall assess, on the basis of the results of the 2011 Population and Housing Census, the quality of administrative records concerning the basic data contained in them and, in case of need, make proposals to the chief processor of a database to improve the quality of data.

Division 2

Amendment of legislative acts

§ 51. Amendment of Public Information Act

Subsection 43³ (3) of the Public Information Act (State Gazette I 2000, 92, 597; 2010, 22, 108) is amended and worded as follows:

“(3) Before the establishment of a database or changing the composition of the data collected in a database, putting into service of a database or termination of the operation of a database, the technical documentation of the database shall be approved by the Ministry of Economic Affairs and Communications, the Data Protection Inspectorate and Statistics Estonia.”

§ 52. Amendment of Electricity Market Act

§ 81¹ of the Electricity Market Act (State Gazette I 2003, 25, 153; 2010, 22, 108) is amended and worded as follows:

”An electricity undertaking shall submit information concerning the formation of the price of electricity or network services to Statistics Estonia pursuant to the procedure provided by law.”

§ 53. Amendment of Euro Adoption Act

§ 171 of the Euro Adoption Act (State Gazette I 2010, 22, 108) is repealed.

§ 54. Amendment of Citizen of European Union Act

Subsection 3 (3) of the Citizen of European Union Act (State Gazette 2006, 26, 191; 2010, 22, 108) is amended and worded as follows:

“For the purposes of this Act, a member of a household is deemed to be the person specified in subsection 24 (4) of the Official Statistics Act who resides together with a citizen of the European Union in a shared household and has a personal income.”

§ 55. Amendment of Waste Act

Subsection 117 (4) of the Waste Act (State Gazette I 2004, 9, 52; 2010, 24, 115) is amended and worded as follows:

“(4) Statistical actions relating to waste shall be conducted pursuant to the procedure provided for in the Official Statistics Act.”

§ 56. Amendment of Natural Gas Act

Subsection 8 (4) of the Natural Gas Act (State Gazette I 2003, 21, 128; 2010, 22, 108) is amended and worded as follows:

“(4) A gas undertaking shall submit information concerning the formation of the price of gas or network services to Statistics Estonia pursuant to the procedure provided for in the Official Statistics Act.”

§ 57. Amendment of Taxation Act

Clause 29 11) of the Taxation Act (State Gazette I 2002, 26, 150; 2010, 22, 108) is amended and worded as follows:

“11) to a producer of official statistics for the performance of tasks provided for in the Official Statistics Act in performing a statistical action;”.

§ 58. Amendment of Official Statistics Act

The Official Statistics Act is amended as follows:

- 1) in subsection 39 (3) the text “30 000 kroons” is substituted by the text “2000 euros”;
- 2) in subsection 40 (2) the text “50 000 kroons” is substituted by “3200 euros”.

Division 3

Repeal of acts

§ 59. Repeal of Agricultural Census Act

The Agricultural Census Act (State Gazette I 2000, 35, 217; 2007, 24, 127) is repealed.

§ 60. Repeal of Population and Housing Census Act

(1) The Population and Housing Census Act (State Gazette I 1998, 52/53, 772; 2009, 62, 405) is repealed.

§ 61. Repeal of Official Statistics Act

The Official Statistics Act (State Gazette I 1997, 51, 822; 2010, 22, 108) is repealed.

Division 4

Entry into force of Act

§ 62. Entry into force of Act

- (1) This Act shall enter into force on 1 August 2010.
- (2) § 36 of this Act shall enter into force on 1 January 2011.
- (3) § 37 of this Act shall enter into force on 1 August 2011.
- (4) §§ 53 and 58 of this Act shall enter into force on the day specified in the decision of the Council of the European Union on the repeal of the derogation established for the Republic of Estonia pursuant to article 140 (2) of the Treaty on the Functioning of the European Union.

President of the Riigikogu Ene ERGMA