

AN ACT

To define the functions and responsibilities of the Division of Statistics; to authorize the Division of Statistics to develop an integrated and comprehensive statistical and census information system; to guarantee the confidentiality of data collected; to promote cooperation between the National and State Governments concerning recording and reporting of statistics; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Short title. This act may be cited as the
2 Statistics and Census Act of 1988.

3 Section 2. Definitions. As used in this act, unless the
4 context requires another meaning or unless it is otherwise provided:

5 (1) "Census" means a survey of all of the persons, owners,
6 officials, agents, corporations, businesses, institutions,
7 establishments or other organizations in a field of inquiry;

8 (2) "Chief" means the Chief of the Division of Statistics;

9 (3) "Congress" means the Congress of the Federated States
10 of Micronesia;

11 (4) "Division of Statistics" means the Division of
12 Statistics within the Office of Planning and Statistics of the
13 Federated States of Micronesia;

14 (5) "National Government" means the Government of the
15 Federated States of Micronesia;

16 (6) "National Planner" means the highest management
17 official of the Office of Planning and Statistics of the Federated
18 States of Micronesia;

19 (7) "President" means the President of the Federated
20 States of Micronesia;

21 (8) "Respondent" includes a corporation, company,
22 association, firm, partnership, proprietorship, society, joint stock

1 company, individual, or other organization or entity which reported
2 or is required to report, or on behalf of which information was
3 reported, in response to a questionnaire, inquiry, or other request
4 of the Division of Statistics;

5 (9) "Sample Survey" means a survey of some but not all of
6 the persons, owners, officials, agents, corporations, businesses,
7 institutions, establishments or other organizations in a field of
8 inquiry; and

9 (10) "State government" means the government of any of the
10 States of the Federated States of Micronesia.

11 Section 3. Statement of purpose. The purpose of this act is as
12 follows:

13 (1) To define the functions and responsibilities of the
14 Division of Statistics;

15 (2) To authorize the Division of Statistics to develop an
16 integrated and comprehensive statistical and census information
17 system;

18 (3) To guarantee the confidentiality of data collected by
19 the Division of Statistics and other departments and agencies of the
20 National Government or jointly by departments or agencies of the
21 National and State Governments; and

22 (4) To promote cooperation between the National and State
23 Governments with respect to the improvement of recording and
24 reporting of statistics in the Federated States of Micronesia.

25 Section 4. Functions and responsibilities of the Division of

1 Statistics. The Division of Statistics shall have the following
2 functions and responsibilities:

3 (1) To advise the President and the executive branch on
4 matters pertaining to statistical policy;

5 (2) To coordinate the statistical work of all National
6 Government departments with particular emphasis on the following
7 areas:

8 (a) The avoidance of duplication in data collection;

9 (b) The attainment of compatibility between, and the
10 integration of statistics compiled by National Government departments
11 and agencies;

12 (c) The maximum possible utilization of statistical
13 data;

14 (d) The formulation and implementation of standards
15 for carrying out statistical operations;

16 (e) The provision of statistical advice and
17 assistance to National Government departments and agencies;

18 (f) The recruitment and training of statistical
19 staff; and

20 (g) The general promotion and development of
21 integrated social and economic statistics for the National Government.

22 (3) To compile, analyze and disseminate official
23 statistics and related information;

24 (4) To collect statistics and related information
25 concerning economic, social, and demographic matters;

- 1 (5) To prepare and publish an annual statistical abstract
2 for the Federated States of Micronesia;
- 3 (6) To collect and compile statistical data needed for the
4 formulation of development plans and plan implementation including,
5 but not limited to, the following:
- 6 (a) Data required for the compilation of National
7 accounts;
- 8 (b) Data on wholesale and retail price changes;
- 9 (c) Data on internal and external trade; and
- 10 (d) Data on Government and household expenditures.
- 11 (7) To conduct periodic censuses of population and other
12 censuses and sample surveys at the request of the President;
- 13 (8) To design and prepare questionnaires for use in
14 censuses or sample surveys;
- 15 (9) To promote and assist statistical activities in the
16 States and to assist State governments and organizations in the
17 collection, analysis and dissemination of statistical information;
- 18 (10) To undertake periodic surveys of the branches and
19 agencies of the National and State Governments to determine govern-
20 ment statistical data requirements and to identify any statistical
21 problems or difficulties being encountered; and
- 22 (11) To liaise with statistical organizations in other
23 nations and with international organizations regarding statistical
24 matters.
- 25 Section 5. Authority to gather and compile statistical data.

- 1 The Division of Statistics shall have the following authority to
2 gather and compile statistical data at such times and for such
3 periods as determined by the National Planner:
- 4 (1) To gather statistical information;
5 (2) To design and prepare forms and questionnaires;
6 (3) To undertake investigations and carry out censuses and
7 sample surveys;
8 (4) To select sampling methodologies for use in surveys;
9 (5) To request respondents to supply estimates where
10 recorded data are not available;
11 (6) To prepare programs relating to the acquisition of
12 statistical information;
13 (7) To consult or cooperate with any other person or body
14 for the purpose of compiling statistical data; and
15 (8) To undertake any other necessary actions to fulfill
16 its functions and responsibilities.

17 Section 6. Conduct of censuses and sample surveys and
18 collection of statistical data. In order to conduct the censuses and
19 sample surveys and collect the statistical data as authorized by
20 sections 4 and 5 of this act, the National Planner, the Chief, or
21 other employee of the Division of Statistics designated by the
22 National Planner, shall be empowered to:

- 23 (1) Supply a schedule to any respondent and require such
24 respondent to supply to the best of his knowledge, orally or in
25 writing, all of the information requested in the schedule in

1 accordance with instructions in the schedule or accompanying it, and
2 require that person to complete the schedule, if necessary with the
3 assistance of the National Planner or his designee, and to return the
4 completed schedule to the National Planner or his designee by a
5 specific date; and

6 (2) Ask any respondent orally or in writing any questions
7 necessary to obtain information for the purpose of compiling
8 statistical data or conducting a census or sample survey as
9 prescribed under this act, and require the respondent to give, to the
10 best of his knowledge, written or oral answers to any such questions.

11 Section 7. Dissemination of statistical data; Restrictions on
12 use.

13 (1) The Chief may furnish copies of tabulations and other
14 statistical materials which do not disclose the information reported
15 by, or on behalf of, any particular respondent, and may make special
16 statistical compilations or surveys, for departments, offices, and
17 agencies of the National Government, and State and local governments.

18 (2) Information furnished under subsection (1) of this
19 section shall not be used by the National Government, or by any of
20 its agencies, subdivisions, or public corporations, or by any of
21 its officers or employees acting in an official capacity to the
22 detriment of any respondent or other person to whom such information
23 relates in any legal proceeding, except in the prosecution of
24 alleged violations of this act.

25 Section 8. Confidentiality of information. The National

1 Planner, the Chief, and any other officer or employee of the Division
2 of Statistics, or any person provided with data pursuant to section
3 11 of this act, shall not:

4 (1) Use the information furnished under the provisions of
5 this act for any purpose other than for the purpose of conducting a
6 census or sample survey, gathering statistical data, or for compiling
7 and disseminating tabulations or other statistical materials pursuant
8 to section 7;

9 (2) Make any publication whereby the data furnished by any
10 particular establishment or individual under this act can be
11 identified; or

12 (3) Permit anyone other than the National Planner, the
13 Chief, or sworn employees of the Division of Statistics to examine
14 the individual reports, except in the prosecution of alleged
15 violations of this act.

16 Section 9. Oath of employees. The National Planner, the
17 Chief, and every other person employed in carrying out the provisions
18 of this act shall take and subscribe the following oath:

19 "I solemnly swear that I will faithfully and honestly
20 fulfill my duties in accordance with the provisions of the
21 Statistics and Census Act of 1988, and that I will not
22 disclose or make known, except as authorized by law, any
23 information collected in a census or sample survey which
24 comes to my knowledge by reason of, or through my
25 employment by, or on behalf of any governmental entity in

1 the Federated States of Micronesia."

2 The oath shall be taken, retained, and recorded in such manner as the
3 Chief shall determine.

4 Section 10. Statistical surveys by other Government departments.

5 Departments and agencies of the National Government are authorized to
6 conduct surveys under this act subject to the following requirements:

7 (1) All such persons engaged in the collection and
8 processing of replies to statistical surveys are subject to each
9 provision of this act including, but not limited to, the required
10 oath of employees contained in section 9 and the restrictions on use
11 contained in sections 7 and 8;

12 (2) The National Planner and the Division of Statistics
13 shall be informed of any surveys being proposed by departments and
14 agencies of the National Government; and

15 (3) Respondents to any statistical survey conducted by any
16 department or agency of the National Government shall be advised
17 whether the survey is for statistical purposes and is being conducted
18 under the authority of this act or whether the survey is for some
19 other purpose.

20 Section 11. Exchange of data authorized. The Division of
21 Statistics is authorized to enter into any agreement or arrangement
22 with any department or agency of the National or any of the State
23 Governments for the exchange of data collected jointly with that
24 department or agency and for subsequent tabulation or publication of
25 statistics based upon such data provided that all respondents are

1 informed, in writing, that the information is being collected jointly
2 on behalf of the Division of Statistics and the other department or
3 agency concerned. No such agreement or arrangement shall be
4 effective unless it shall require the officers and employees of the
5 department or agency of the governmental entity participating in the
6 exchange of data to abide by the provisions of this act.

7 Section 12. Wrongful disclosure of information prohibited. Any
8 person being or having been the National Planner, or Chief, or an
9 employee of the Division of Statistics, either temporary or
10 permanent, or having taken and subscribed the oath as set forth in
11 section 9 of this act, or otherwise having sworn to observe the
12 limitations imposed by this act, who publishes or communicates any
13 information, the disclosure of which is prohibited under the terms of
14 this act, and which comes into his possession by reason of his being
15 employed or otherwise providing services under the provisions of this
16 act, shall be guilty of an offense, and upon conviction therefor
17 shall be fined not more than \$3,000, or imprisoned not more than 3
18 years, or both.

19 Section 13. Refusal or neglect to answer questions pertaining
20 to census data; False answers pertaining to census data.

21 (1) Any person being over 18 years of age, who refuses or
22 willfully neglects, when requested by any authorized employee of the
23 Division of Statistics or other governmental entity, to answer to the
24 best of his knowledge any of the questions or any schedule submitted
25 to him in connection with any census authorized under this act which

1 census data relate to himself or to the family to which he belongs or
2 is related, shall be guilty of an offense, and upon conviction
3 therefor shall be fined not more than \$100;

4 (2) Any person, being over 18 years of age, when requested
5 by any authorized employee of the Division of Statistics or other
6 governmental entity, to answer to the best of his knowledge any of
7 the questions on any schedule submitted to him in connection with any
8 census authorized under this act which census data relate to himself
9 or to the family to which he belongs or is related, knowingly gives
10 any answer that is false, shall be guilty of an offense, and upon
11 conviction therefor shall be fined not more than \$500;

12 (3) Whoever, being the owner, official, agent, person in
13 charge, or assistant to the person in charge, of any corporation,
14 business, institution, establishment, or organization of any nature
15 whatsoever, refuses or willfully neglects, when requested by the
16 National Planner, the Chief, or by any authorized employee of the
17 Division of Statistics or other governmental entity to answer
18 completely and correctly to the best of his knowledge all questions
19 relating to such corporation, business, institution, establishment,
20 or other organization, or to records or statistics in his official
21 custody, contained in any census authorized by this act, shall be
22 guilty of an offense, and upon conviction therefor shall be fined not
23 more than \$500;

24 (4) Whoever, being the owner, official agent, person in
25 charge, or assistant to the person in charge, of any corporation,

1 business, institution, establishment, or organization of any nature
2 whatsoever, when requested by the National Planner, the Chief, or by
3 any authorized employee of the Division of Statistics or other
4 governmental entity to answer completely and correctly to the best of
5 his knowledge all questions relating to such corporation, business,
6 institution, establishment, or other organization, or to records or
7 statistics in his official custody, contained in any census
8 authorized by this act, knowingly gives a false answer to any such
9 question, shall be guilty of an offense, and upon conviction therefor
10 shall be fined not more than \$500, or imprisoned not more than 3
11 months, or both; and

12 (5) Notwithstanding any other provision of this act, no
13 person shall be compelled to disclose information relative to his
14 religious beliefs or to membership in a religious organization, nor,
15 shall any person incur any liability under this act for failure to
16 disclose information as to his religion.

17 Section 14. Administration of Act. The National Planner shall
18 be charged with the administration of this act. The National Planner
19 shall have all such authority as may be reasonably necessary for the
20 performance of any function of the Division of Statistics or for the
21 administration of this act, including the authority to promulgate
22 such rules and regulations as he deems necessary to conduct periodic
23 censuses or sample surveys or to otherwise effect the administration
24 of this act. Such rules and regulations shall be promulgated in
25 accordance with the provisions of chapter 1 of title 17 of the Code

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1 of the Federated States of Micronesia and shall have the force and
2 effect of law.

3 Section 15. Effective date. This act shall become law upon
4 approval by the President of the Federated States of Micronesia or
5 upon its becoming law without such approval.

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September 7, 1988

John R. Hagle/gam

John R. Hagle/gam
President
Federated States of Micronesia

