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
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4 Section 2. Definitions. As used in this act, unless the
5 context requires another meaning or unless it is otherwise provided:
6 (1) "Census" means a survey of all of the persons, owners,
7 officials, agents, corporations, businesses, institutions,
8 establishments or other organizations in a field of inquiry;
9 (2) "Chief" means the Chief of the Division of Statistics;
10 (3) "Congress" means the Congress of the Federated States
11 of Micronesia;
12 (4) "Division of Statistics" means the Division of
13 Statistics within the Office of Planning and Statistics of the
14 Federated States of Micronesia;
15 (5) "National Government" means the Government of the
16 Federated States of Micronesia;
17 (6) "National Planner" means the highest management
18 official of the Office of Planning and Statistics of the Federated
19 States of Micronesia;
20 (7) "President" means the President of the Federated
21 States of Micronesia;
22 (8) "Respondent" includes a corporation, company,
23 association, firm, partnership, proprietorship, society, joint stock
company, individual, or other organization or entity which reported
or is required to report, or on behalf of which information was
reported, in response to a questionnaire, inquiry, or other request
of the Division of Statistics;

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

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

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

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

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

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

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

Section 4. Functions and responsibilities of the Division of
Statistics. The Division of Statistics shall have the following functions and responsibilities:

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

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

(a) The avoidance of duplication in data collection;

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

(c) The maximum possible utilization of statistical data;

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

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

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

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

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

(4) To collect statistics and related information concerning economic, social, and demographic matters;
(3) To prepare and publish an annual statistical abstract for the Federated States of Micronesia;

(6) To collect and compile statistical data needed for the formulation of development plans and plan implementation including,

but not limited to, the following:

(a) Data required for the compilation of National accounts;

(b) Data on wholesale and retail price changes;

(c) Data on internal and external trade; and

(d) Data on Government and household expenditures.

(7) To conduct periodic censuses of population and other censuses and sample surveys at the request of the President;

(8) To design and prepare questionnaires for use in censuses or sample surveys;

(9) To promote and assist statistical activities in the States and to assist State governments and organizations in the collection, analysis and dissemination of statistical information;

(10) To undertake periodic surveys of the branches and agencies of the National and State Governments to determine government statistical data requirements and to identify any statistical problems or difficulties being encountered; and

(11) To liaise with statistical organizations in other nations and with international organizations regarding statistical matters.

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

Section 6. Conduct of censuses and sample surveys and
collection of statistical data. In order to conduct the censuses and
sample surveys and collect the statistical data as authorized by
sections 4 and 5 of this act, the National Planner, the Chief, or
other employee of the Division of Statistics designated by the
National Planner, shall be empowered to:
(1) Supply a schedule to any respondent and require such
respondent to supply to the best of his knowledge, orally or in
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.

Section 7. Dissemination of statistical data: Restrictions on
use.

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

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

Section 8. Confidentiality of information. The National
1. The Chief, and every other officer or employee of the Division of Statistics, or any person provided with data pursuant to section 11 of this act, shall not:

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

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

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

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

   "I solemnly swear that I will faithfully and honestly fulfill my duties in accordance with the provisions of the Statistics and Census Act of 1968, and that I will not disclose or make known, except as authorized by law, any information collected in a census or sample survey which comes to my knowledge by reason of, or through my employment by, or on behalf of any governmental entity in
Public Law No. 5-77
CONGRESSIONAL BILL NO. 5-256, C.R.I

1 the Federated States of Micronesia.
2 The oath shall be taken, retained, and recorded in such manner as the
3 Chief shall determine.
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5 Section 10. Statistical surveys by other Government departments.
6 Departments and agencies of the National Government are authorized to
7 conduct surveys under this act subject to the following requirements:
8 (1) All such persons engaged in the collection and
9 processing of replies to statistical surveys are subject to each
10 provision of this act including, but not limited to, the required
11 oath of employees contained in section 9 and the restrictions on use
12 contained in sections 7 and 8;
13 (2) The National Planner and the Division of Statistics
14 shall be informed of any surveys being proposed by departments and
15 agencies of the National Government; and
16 (3) Respondents to any statistical survey conducted by any
17 department or agency of the National Government shall be advised
18 whether the survey is for statistical purposes and is being conducted
19 under the authority of this act or whether the survey is for some
20 other purpose.
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22 Section 11. Exchange of data authorized. The Division of
23 Statistics is authorized to enter into any agreement or arrangement
24 with any department or agency of the National or any of the State
25 Governments for the exchange of data collected jointly with that
26 department or agency and for subsequent tabulation or publication of
27 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. Troublesome 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 thereof
17 shall be fined not more than $5,000, 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 therefore 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 therefore 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 whatever, 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 therefore 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,
business, institution, establishment, or organization of any nature
whencever, when requested by the National Planner, the Chief, or by
any authorized employee of the Division of Statistics or other
governmental entity to answer completely and correctly to the best of
his knowledge all questions relating to such corporation, business,
institution, establishment, or other organization, or to records or
statistics in his official custody, contained in any census
authorized by this act, knowingly gives a false answer to any such
question, shall be guilty of an offense, and upon conviction therefor
shall be fined not more than $500, or imprisoned not more than 3
months, or both; and

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

Section 14. Administration of Act. The National Planner shall
be charged with the administration of this act. The National Planner
shall have all such authority as may be reasonably necessary for the
performance of any function of the Division of Statistics or for the
administration of this act, including the authority to promulgate
such rules and regulations as he deems necessary to conduct periodic
censuses or sample surveys or to otherwise effect the administration
of this act. Such rules and regulations shall be promulgated in
accordance with the provisions of chapter 1 of title 17 of the Code
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.
6
7 September 7, 1988
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9
10 John R. Mikuilami
11 President
12 Federated States of Micronesia
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