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Generic Law on Official Statistics developed under the United Nations Development Account (UNDA) 9th tranche project for the countries of Eastern Europe, Caucasus and Central Asia

Explanatory notes to the Generic Law on Official Statistics

Note by the Secretariat in cooperation with EFTA and Eurostat

Summary

The document provides explanatory notes to the Generic Law on Official Statistics developed jointly with the European Free Trade Association and Eurostat as part of a broader UNECE statistical capacity building project financed through the United Nations Development Account (UNDA).

This document will be submitted to the 2016 CES plenary session for endorsement together with the recommendations on the Generic Law on Official Statistics (submitted as document ECE/CES/2016/8).



I. Explanatory Notes to the Generic Law on Official Statistics

A. Chapter I Objective and scope of the Law

Article 1 Objective and scope of the Law

1.1 The Law applies to all activities for the development, production and dissemination of official statistics in the country. *Article 4* defines the concepts of development, production and dissemination.

1.2 The Law defines official statistics and the criteria they have to meet, emphasizing compliance with the Fundamental Principles of Official Statistics endorsed by the United Nations General Assembly at the highest political level and compliance with the principles of the European statistics Code of Practice (as applicable). To fulfil their demanding role, official statistics need to be compiled according to these and other internationally agreed standards and meet high quality requirements to ensure relevance, objectivity, accuracy, etc. (see Chapter II). This paragraph requires that those statistics that meet the criteria are identified and listed in the statistical programmes to distinguish official statistics from any other statistics.

The Law uses the term ‘official statistics’ and not the terms ‘state statistics’ or ‘national statistics’ to emphasize the scope of the statistics concerned and quality requirements official statistics have to comply with. The term ‘official statistics’ provides users with information on the status and quality of the information provided to them.

According to this law, statistics compiled by private entities, including private research institutes, are not considered official statistics and are not regulated by this Law. Furthermore, statistics produced by government bodies, as part of their obligation to report about their activities, are not considered official statistics and are not regulated by this Law unless they are listed in the statistical programme and comply with the principles of official statistics (Article 3).

Similarly, some statistics compiled by *Producers of Official Statistics* may not be considered official statistics if they do not comply with all the principles, in particular the principles of professional independence and quality commitment. For instance, statistics under development, statistical services (see Chapter X) and other statistics that do not meet all the principles of official statistics are left outside of official statistics.

1.3 The Law applies to any data used in the production of official statistics, including data acquired from administrative sources and other secondary sources such as big data (*Article 15*). This paragraph ensures that all data, regardless of source and type, are treated according to the same principles regulated by the Law, and are protected by statistical confidentiality (see *Chapter VII*). *Producers of Official Statistics* have full independence in processing any data in their possession and disseminating statistics based on those data without legal or administrative constraints from other legislation.

Article 2 Parties to the Law

2.1 This paragraph defines the *National Statistical System*, including the criteria for designating *Producers of Official Statistics* in the annual statistical programme. The Law requires that only an entity of a national authority that produces official statistics can be considered part of the *National Statistical System*, not the whole organization that this entity belongs to. Thus, the entity needs to have a clear, independent role from the rest of the organization and be led by a Head with relevant professional competence in the field of official statistics (*Article 7*).

2.2 Respondents are defined as a party to which the Law assigns responsibilities and rights. For instance, participation in some surveys may be compulsory for respondents, and *Producers of Official Statistics* are entitled to follow up with respondents regarding survey responses. On the other hand, the National Statistical Office needs to prepare the statistical programme in consultation with respondents and ensure that the resulting response burden is not excessive.

2.3 Administrative data providers are considered a party to the Law and are obliged to provide data needed for official statistics. The purpose is to ensure that existing administrative data (definition in *Article 4*) can be and are used for producing official statistics rather than collecting new information, which would increase costs and burden on respondents. In case administrative data providers are planning major revisions to the data, they have to consult *Producers of Official Statistics*. To ensure coordination, the *National Statistical Office* will prepare the annual statistical programmes in consultation with administrative data providers. Administrative data providers may also be included in statistical surveys as respondents.

2.4 Users as a party to the Law have, for instance, the right to public information, equal and simultaneous access to official statistics and information on methods applied. Users have the right to interact with *Producers of Official Statistics* and express their opinions and needs, for example through the *Statistical Council*.

2.5 The Statistical Council is party to the Law as a representative body of the users of official statistics. Its role and responsibilities are defined in *Article 8*.

B. Chapter II Main principles and definitions of official statistics

Article 3 Main principles of official statistics

3.1 This paragraph is fundamental to defining what official statistics are. The main principles are based on the United Nations Fundamental Principles of Official Statistics and the European statistics Code of Practice. The principles may be further specified and enlarged into a national code of practice for official statistics that all *Producers of Official Statistics* would have to subscribe to.

Professional independence from policy, regulatory or administrative authorities, as well as from private interests, is the prerequisite for producing high quality statistics and securing trust of users and respondents. The credibility of the *National Statistical System* builds on users' trust in official statistics as an objective source of information that does not serve any interests.

Professional independence is a cornerstone principle and means that *Producers of Official Statistics* have the sole authority for decisions listed in *paragraph 3.1a*. Policy makers and government should recognize the authority of the *National Statistical System* to release information without prior clearance and the authority of the *Chief Statistician* and staff to speak about official statistics to the government and the public.

Professional independence requires a strong legal position of the *National Statistical Office* and *Other Producers of Official Statistics*, appropriate administrative arrangements, use of scientific methods and internationally agreed standards, openness of operations and commitment to quality. Professional independence should not be seen as a principle that limits cooperation; on the contrary, it requires close consultations with users, data providers and other stakeholders to ensure that official statistics maintain their relevance.

Article 4 Definitions

4.1 The definitions explain the main concepts necessary for the interpretation and implementation of the Law. The list represents a deliberate choice of main definitions as the Law should not be overloaded with a long list of definitions. The definitions are meant to be self-explanatory, but if necessary, they may be further specified and/or extended (according to national legal practice). The definitions of ‘statistical unit’, ‘individual data’ and ‘identifier’ are directly linked to the confidentiality provisions of the Law (*Chapter VII*). Therefore, any changes to these definitions should be carefully considered and taken into account in the articles pertaining to confidentiality.

The concept ‘use for statistical purposes’ is a central element of statistical confidentiality and of the Law. Exclusive use for statistical purposes encourages individuals and businesses to report accurately their data in statistical surveys without the risk of business rivals, journalists, politicians, investigators or authorities accessing their data. Respondents’ trust in the strict confidentiality of their data is the cornerstone of the production of high quality statistics and the functioning of *National Statistical Systems*.

C. Chapter III Organization of the National Statistical System

Article 5 National Statistical Office

5.1 This paragraph specifies the *National Statistical Office* as a professionally independent body. The Law is based on an organizational model where the *National Statistical Office* is under the authority of Prime Minister or President for issues that are not covered by professional independence (*paragraph 3.1a*).

Option for organizing the National Statistical Office as an autonomous body

Another organizational model, implemented by a few countries, is to establish the National Statistical Office as an autonomous body that is not under the authority of Prime Minister or President, but under the direction and supervision of a State Statistical Board which consists of members selected based on relevant professional competence. This model requires adjusting the Articles of the Generic Law. These adjustments may differ according to the organizational model selected in each country.

This model ensures strong professional independence of the *National Statistical System*. Yet, the *National Statistical System* would depend on public resources and be, therefore, accountable for the use of these resources to the highest national authorities, such as the Prime Minister or President. Either the Prime Minister or President would also appoint the members of *State Statistical Board*, including the *Chief Statistician*.

If a country selects this option, the Law must be complemented with provisions, for example:

An article on the *State Statistical Board* should be added to Chapter III on the *National Statistical System*, for example after Article 7 of the Law:

Article X - State Statistical Board

X.1 The State Statistical Board shall be the body of governance of the *National Statistical System* of [country name]. (If applicable: The *Chief Statistician* shall be the Chairman of the State Statistical Board.)

X.2 The State Statistical Board shall decide on the strategic development of official statistics, adopt the statistical programmes and guide the execution of these programmes.

The State Statistical Board shall issue binding regulations and guidance related to the development, production and dissemination of official statistics.

X.3 The *State Statistical Board* shall adopt its rules of procedure to regulate its tasks, organization, working methods and decision making.

X.4 The members of the State Statistical Board shall be composed of [select the number] of members elected for a fixed term of [select: four, five or six] years, on the basis of relevant professional competence. The members shall be appointed by the president of the country on the proposal of the *Chief Statistician*.

In addition, this paragraph should include provisions on the termination of membership in the *State Statistical Board* using the same provisions that concern the *Chief Statistician* (paragraph 6.2).

Article 8 on the Statistical Council should be removed and replaced with a strengthened article on other advisory bodies to ensure consultation with users of statistics (*Article 9*).

In paragraph 11.4 the *Statistical Council* should be replaced with the *State Statistical Board*.

Paragraph 14.1 of the Law should be reworded as follows: “The National Statistical Office shall submit the multi-year and the annual statistical programmes to the State Statistical Board for discussion and approval as [insert the correct term of the secondary legal act] no later than [2-3] months before the start of the reference period of the programme.”

Paragraph 14.2 of the Law should be removed.

Throughout the Law the phrase “under the authority of Prime Minister / President of the country “ should be replaced with “as an autonomous state body with a *State Statistical Board* as the body of governance”.

The above adjustments to the Generic Law are only indicative, and should be carefully designed to fit the organizational model selected in each country.

5.2 This paragraph specifies that the *National Statistical Office* coordinates all the activities related to the production of official statistics in the country. The *National Statistical Office* cannot be assigned responsibilities that are in contradiction with professional independence. This refers also to administrative tasks; for example, administrative registers have to be collected and maintained outside of the *National Statistical System*. Typically government authorities need individual data from the administrative registers to implement their tasks, and such data cannot be provided by any *Producer of Official Statistics*. This principle is important for ensuring data confidentiality and respondents’ trust.

Article 6 Chief Statistician [replace with the official title everywhere in the Law]

6.1 This paragraph provides an independent role to the *Chief Statistician* (or Head/President/General Director/Chairperson) of the *National Statistical Office* and transparent rules for his/her appointment and dismissal. These elements largely define the professional independence (*paragraph 3.1a*) of the entire *National Statistical System*, enable compilation of statistics on an impartial basis and build trust in official statistics.

The *Chief Statistician’s* appointment should be non-political and based on professional competence only. Deciding on issues of professional independence, such as data sources and statistical methods, requires specific professional experience and knowledge. The *Chief Statistician’s* position should be filled following a published vacancy announcement with professional requirements and an open competition among applicants. The position should

not be part of regular mobility schemes in the public administration where such a system may be otherwise applicable at this level.

The *Chief Statistician* should be appointed for a term of office fixed in the statistical law; for underlining professional independence the term of office should be different from the term of the government. The Law provides the possibility to renew the term of office once and an option for renewing it further exclusively on the basis of a new publicly announced vacancy and an open competition.

6.2 This paragraph protects the *Chief Statistician* against dismissal during the term. The term of office must be respected independently of changes in the government.

6.3 The Law provides the *Chief Statistician* with the status and authority necessary to carry out the responsibilities in leading and representing the *National Statistical System* in an entirely autonomous manner nationally and internationally, within the overall budget authorized by the government. A publicly recognized strong and independent standing of the *Chief Statistician* helps resist political pressures. The *Chief Statistician* should not be a member of the government, but needs to have direct access to ministers and other senior level authorities.

6.4 The *Chief Statistician* has the full authority for setting priorities and deciding on the organizational structure and tasks of the *National Statistical Office*, including its central and regional offices. This includes deciding independently on the appointment, promotion and development of all staff of the *National Statistical Office*. This is important for adapting to new requirements for knowledge, capacities and technologies.

6.5 The *Chief Statistician* has important duties in coordinating the *National Statistical System* in cooperation with all *Producers of Official Statistics*. The *Chief Statistician* has the full authority for deciding on the content of the multi-year and annual statistical programmes and the implementation reports after consultation with users of statistics, respondents and administrative data providers (in *Chapter V*).

6.6 The standards and guidelines issued by the *Chief Statistician* mainly rely on recognized international standards and good practice in statistics. Issuing common standards is an important tool to develop professionalism and enhance users' trust.

6.7 These standards and guidelines can also be promoted for use by respondents and administrative data providers. For example, if administrative data providers use the same classifications as the *National Statistical System*, this reduces costs of maintaining classifications and increases efficiency of using data from multiple sources. Statisticians have recognized expertise in creating well-functioning international classification systems that can also benefit other authorities in the countries if used more widely.

Article 7 Other Producers of Official Statistics

7.1 Similarly to the *National Statistical Office*, *Other Producers of Official Statistics* have to be professionally independent and exclusively or primarily focused on statistical work.

Public authorities should take the necessary transitional measures to improve the professional independence (*paragraph 3.1a*) of entities that produce key official statistics as part of public administration, e.g. in statistical entities of Ministries or other public agencies. Transitional measures may also include other necessary actions to comply with the Law, such as development of dissemination practices, statistical production methods, and skills and capacities related to the production of official statistics. These transitional measures should be agreed upon and adopted by the authorities producing these statistics and the *Chief Statistician*.

These producers of statistics may be included as *Producers of Official Statistics* in the annual statistical programme only when they fulfil the criteria (*Article 11*). The *Producers of Official Statistics* cannot be in charge of responsibilities that are in contradiction with professional independence, explained in 5.2 of the explanatory notes.

The structure and functioning of the *National Statistical System* differs across countries depending on the division and organization of statistical work among agencies. For example, central banks may have autonomy to perform their activities, including their statistical work. If the central bank is in charge of key statistics in the country, close collaboration and coordination of statistical work with the *National Statistical Office* is crucial. Similarly to any producer of statistics, if the central bank has organized its statistical work into a professionally independent statistical entity, its inclusion in the list of *Producers of Official Statistics* is recommended provided that the entity works in full compliance with the statistical law and fulfils the criteria.

7.2 *Producers of Official Statistics* are those that produce statistics listed as official statistics in the annual statistical programme. The *Chief Statistician* will decide on the inclusion of producers, their deliveries and activities in the statistical programmes based on a transparent, documented process (*Article 11*). The activities of *Producers of Official Statistics* need to be fully in line with the Law and follow standards and guidelines issued by the *Chief Statistician*. Applying common standards improves comparability of statistics and increases objectivity and consistency of decisions on how statistics are produced across the *National Statistical System*.

7.3 This paragraph requires the positions of the Heads of *Producers of Official Statistics* to be filled in a non-political process following the model for appointing the *Chief Statistician*. Transitional measures may be required to ensure that the Heads of *Other Producers of Official Statistics* have an independent role in relation to the public administration they are part of. The Heads of these entities will collaborate only with the *Chief Statistician* and the *National Statistical System* in issues related to professional independence.

D. Chapter IV - Statistical Council and other advisory bodies

Article 8 Statistical Council

8.1 The *Statistical Council* is the advisory body on strategic priorities and user needs for the *Chief Statistician*, the *National Statistical Office* and for the whole *National Statistical System* and the government.

8.2 The *Statistical Council* should represent broadly users and user communities, not producers. Countries may determine the number of members, the type of users and user groups, as well as the term of office of Council members. To underline professional independence (*paragraph 3.1a*), most Council members should come from outside the government, unless they represent scientific research agencies. For entities such as the National Bank or the Ministry of Finance, which are at the same time producers and users of official statistics, a representative of the user side should be proposed instead of the Head of their statistical entity. In selecting Council members, priority could be given to those that use statistics from several domains, such as the mass media or the Parliament.

The only Council member who does not represent users of statistics is the *Chief Statistician* who will act as an ex-officio member. The *National Statistical Office* will act as secretariat for the *Statistical Council* by providing its staff, premises and, when necessary, funds channelled to the *National Statistical Office* to organize the meetings of the *Statistical Council* and cover the costs. If necessary, the National Statistical Office may decide to remunerate the members of the Statistical Council for the participation at the meetings.

8.3 The Council members will be appointed by the same authority that appoints the *Chief Statistician* upon proposal by the bodies or groups to be represented. All stakeholders should be informed of the possibility to propose members for the *Statistical Council*. The *Statistical Council* will elect a chairperson who is a representative of a user community outside of the government.

8.4 The *Statistical Council* will decide how it functions in compliance with the Law. The *Statistical Council* can foresee in its rules of procedure the creation of sub-groups for specific questions or domains. The *Statistical Council* acts as the custodian of the principles of official statistics. This may mean that the *Statistical Council* discusses the interpretation and implementation of the principles and monitors the compliance of products and producers with the principles on its own initiative or when the *National Statistical Office* submits a case to the *Statistical Council* for opinion.

8.5 The role of the *Statistical Council* is to ensure the relevance of official statistics and promote transparency and accountability of the *National Statistical System*. For this purpose, the *Statistical Council* has the authority to launch independent external evaluations related to the quality of statistics and implementation of the principles of official statistics in specific domains, activities or organizational entities.

Article 9 - Other advisory bodies

9.1 This paragraph provides flexibility for the *Chief Statistician* to establish permanent or temporary advisory bodies in support of the development and coordination of specific statistical activities and methodological development. The advisory bodies would be preferably set up in consultation with the *Statistical Council*. The advisory bodies can focus for instance on new user needs in a specific statistical domain, scientific and methodological advice, development projects with stakeholders, coordination with *Other Producers of Official Statistics* and collaboration with providers of administrative data and consultations with the representatives of respondents.

E. Chapter V - Coordination of the National Statistical System, including work programmes

Article 10 Coordination of national statistical activities

10.1 Effective coordination is key to the cost-efficient and consistent functioning of a *National Statistical System* that demonstrates high professional standards. The *National Statistical Office* is in charge of coordination with and between statistical producers and of ensuring system-wide coherence and compliance with the Law and with the principles of official statistics.

The statistical programmes are the main instrument for coordinating the *National Statistical System*. Coordination is done in close collaboration with the *Producers of Official Statistics* and through issuing standards and procedural guidelines, for instance on survey design, questionnaires, terminology, classifications, methodologies, common data portals, dissemination policies, data transmissions and exchange among *Producers of Official Statistics*, confidentiality, access to microdata for research, collaboration with stakeholders, etc.

Article 11 Programming of national statistical activities

11.1 The purpose of statistical programmes is to plan activities of the *National Statistical System*, efficiently coordinate work between *Producers of Official Statistics* and obtain a mandate for statistical work from the government. The programmes legitimate data

collection from respondents and formalize administrative data provision. The performance of the *National Statistical System* will be assessed against statistical programmes. The Law suggests two types of statistical programmes: a multi-year programme for strategic development and an annual programme with a more specific list of activities for the year with inputs and outputs of statistical production

11.2 Statistical programmes are prepared by the *National Statistical Office* with inputs from *Other Producers of Official Statistics*. The *National Statistical Office* must be well-informed of user needs as well as existing statistics, surveys and administrative or other data sources. Consultations with users are particularly important to ensure relevance of official statistics. Respondents should be consulted to restrict response burden and the cost and time it takes to answer statistical surveys. Consultations with administrative data providers aim at a clear understanding of what, when and how data need to be provided for statistical production.

11.3 The *National Statistical Office* has to thoroughly evaluate all items proposed for inclusion in the statistical programmes. Preparing the statistical programmes entails a critical look at existing products, seeking out efficiency gains and ensuring development of new statistics and improvement of those statistics that do not yet meet the principles of official statistics.

The *Chief Statistician* has the authority to require changes or refuse the inclusion of *Producers of Official Statistics* and products that do not meet the criteria. Some products that do not meet the criteria may be excluded from the programme or listed as development projects separately from official statistics. To be included as a Producer of Official Statistics in the statistical programmes, the producer has to demonstrate its capability and willingness to comply with the Law and the principles of official statistics (Articles 1 and 3).

Belonging to the *National Statistical System* brings many benefits: It strengthens the professional independence (*paragraph 3.1a*) of each producer of statistics in line with the statistical law, supports quality improvements and development of statistics, facilitates professional exchange within the *National Statistical System*, increases awareness and use of common tools and standards, gives a strong mandate for surveying and ensures access to the necessary administrative data, provides a higher status as a provider of official statistics in the country, enables regulated exchange of individual data for statistical purposes within the *National Statistical System* and keeps producers better informed of the latest international developments in statistics. A strong *National Statistical System* can make sure that the right statistics are produced efficiently and are of high quality to inform decision making.

11.4 The Law requires that the *National Statistical Office* prepares reports on the implementation of the statistical programmes for discussion at the *Statistical Council*. As statistical programmes are a tool for legitimacy, the implementation reports need to be made publicly available with the opinion of the *Statistical Council*.

Article 12 Multi-year statistical programme

12.1 The multi-year statistical programme will focus on long-term challenges and strategic development of the *National Statistical System* as a whole.

12.2 A multi-year statistical programme is expected to provide a strategy and priorities for developing statistics across the *National Statistical System* with a vision for where the system should be in five to ten years' time. The format and periodicity should be specified by each country according to national practice.

The multi-year statistical programme will outline activities and projects for implementing the vision. It will address issues identified for improvement, for instance, in the Global Assessment of the *National Statistical System* or while preparing the annual statistical programme.

The multi-year statistical programme will analyse changes in user needs and changes in the context in which statistics are produced. It will weigh the development needs against available resources.

Article 13 Annual statistical programme

13.1 The annual statistical programme will include a list of all main inputs, outputs and activities in the *National Statistical System*: official statistics to be released; all data sources, such as statistical surveys, administrative data and any other data sets; annual development activities; and statistical registers. The annual statistical programme will provide a list of *Producers of Official Statistics* with links to the relevant inputs, outputs and activities.

13.2 All official statistics and surveys should be included in the annual programme regardless of the source of funding, be it producers' budgets, other government agencies' budgets or external funding, either from national or international sources. Any statistics that are not yet considered official statistics that may be under development need to be clearly separated from official statistics.

13.3 The annual statistical programme legitimates data collection from respondents and declares surveys voluntary or compulsory. Since the *Producers of Official Statistics* have a mandate for data collection in the Law, they need to carefully monitor respondents' feedback and take measures to limit the burden on them. The programme should include an estimate of the response burden. This estimate can be based on the approximate number and type of respondents and an assessment of the average time needed to fill in each questionnaire. Linking each survey to the statistics to which they provide input aims to facilitate multiple uses of the collected data across the *National Statistical System*.

13.4 Transmission of administrative data and any other data is regulated in the annual statistical programme to ensure smooth access to and use of administrative data in the production of official statistics. Administrative data present a cost-effective alternative instead of collecting similar information for a second time from respondents.

13.5 While the multi-annual statistical programme is the main tool for statistical development, development activities to be implemented during the given year will be included in the annual programme. Planned and known internal and external assessments of the *National Statistical System* are listed. Here the programme may also include information on the costs of producing the outputs. Decisions on priorities will be better informed if the costs of producing each output are known.

13.6 All statistical registers and their links to surveying and transmissions of administrative data will be included in the annual statistical programme. This promotes the use of common statistical registers among the *Producers of Official Statistics* to ensure the use of consistent sampling frames across the *National Statistical System*.

Article 14 Adoption of statistical programmes

14.1 As an advisor on strategic priorities and user needs, a key task of the *Statistical Council* is to advise the *Chief Statistician* on the content of the statistical programmes. The *Statistical Council* will ensure that the programmes reflect user needs and balance them against the given budget and existing national and international commitments. The *Chief Statistician* may decide to revise the programmes according to the *Statistical Council's*

advice. In any case, the opinion of the *Statistical Council* will be provided to the government when deciding about the statistical programmes.

14.2 The Law states that the government shall not interfere with issues covered by professional independence (*paragraph 3.1a*) when deciding on the statistical programmes. The government in its decision process should therefore, not comment on or change the way the development, production and dissemination of statistics will be performed, including the selection of data sources, concepts, definitions, methods and classifications to be used, and the timing and content of all forms of dissemination. However, the government may identify priorities for using the limited resources and request developing new statistics or reducing response burden of specific activities.

For activities of autonomous state bodies like the National Bank within the statistical programmes, the government shall not alter any elements agreed by the *Chief Statistician* with the National Bank and the *Statistical Council*

14.3 Changes in the budget allocation for the *Producers of Official Statistics* will influence statistical programming. In case of budget cuts, the *Producers of Official Statistics* will consider which activities should be ceased or downscaled. They will also draw attention to any activities that require additional funding, such as development of new statistics, major revisions of statistics and modernization of statistical production.

F. Chapter VI - Data collection

Article 15 Mandate for data collection

15.1 This paragraph provides the mandate for data collection for official statistics. This paragraph obliges the *Producers of Official Statistics* to use existing administrative data provided that the conceptual framework is compatible with or can be adjusted to the statistical requirements. The Law underlines the professional independence (*paragraph 3.1a*) of *Producers of Official Statistics* in selecting data sources and collection methods. This paragraph also covers the use of other secondary datasets, for example those collected by private organizations, including big data, by *Producers of Official Statistics*.

15.2 This paragraph obliges *Producers of Official Statistics* to design data collection as efficiently as possible and consider how pressing the need to collect the data is, what the quality of different data sources is and how the design will influence costs and response burden.

15.3 This paragraph explicitly assigns the ownership of data that are obtained by the *National Statistical System* to the *Producers of Official Statistics*, regardless of data source. This means that the *Producers of Official Statistics* may process – check, edit, store, aggregate and disseminate – in full professional independence all survey data and all data from administrative sources and other sources in compliance with the Law. *Producers of Official Statistics* can handle any data without legal or administrative constraints from other legislation, and all data within the *National Statistical System* are protected by statistical confidentiality (see *Chapter VII*) even if they were public from other sources.

15.4 Data exchange within the *National Statistical System* is important for avoiding duplication of data collection, reducing costs and response burden and improving the quality of official statistics. Therefore, the paragraph allows *Producers of Official Statistics* to share data and metadata inside the *National Statistical System* but with a number of restrictions in relation to statistical confidentiality (*Article 23*). Data sharing can only be done among entities of the *National Statistical System* that are fully independent professionally and comply with the United Nations Fundamental Principles of Official Statistics and the European statistics Code of Practice.

Article 16 Respondents

16.1 This paragraph describes the rights and obligations of respondents of statistical surveys. *Producers of Official Statistics* should inform respondents about the purpose and scope of surveys and explain how the confidentiality of their data will be ensured. Informing respondents helps build trust in official statistics and, thus, facilitate receipt of correct and accurate information.

16.2 This paragraph encourages a differentiated approach where participation in statistical surveys would be compulsory for public and private entities, i.e. in the so called business surveys. For individuals, households and all other respondents, the annual statistical programme will specify which surveys are compulsory. Violation of the response obligation can lead to sanctions (*Article 35*).

16.3 Respondents have to provide the requested information free of charge in the given timeframe. For private households, in exceptional cases the *Producers of Official Statistics* may decide to offer additional incentives, monetary or other, to household respondents if the survey requires a continuous effort over a certain period, such as keeping a diary.

16.4 Producers have the right, but not an obligation, to re-contact respondents to remind them about the survey and ask for complementary information if need be.

Article 17 Access to administrative data

17.1 This paragraph reinforces the legal position of *Producers of Official Statistics* to receive administrative data. The use of administrative data can improve the efficiency of statistical production; administrative data do not incur additional cost for data collection nor do they impose a further burden on respondents.

Providers of administrative data have to provide the data needed for statistical production free of charge at the necessary level of detail and with the relevant metadata, as specified in the annual statistical programme. This includes individual data with identifiers when necessary for the production of official statistics. All data will be protected by confidentiality (*Chapter VII*).

The individual data flow follows a ‘one-way principle’, whereby individual data cannot be provided from the *Producers of Official Statistics* to administrative data providers for any reason. However, the *Producers of Official Statistics* may cooperate with the administrative data providers to improve their procedures and methods of quality control and error correction.

This paragraph ensures that other legislation cannot restrict delivery of individual data to *Producers of Official Statistics* unless the use of data for statistical purposes has been explicitly excluded. In that case, the need for such exclusion should be reconsidered as the Law ensures that any data provided to the *Producers of Official Statistics* will be protected by confidentiality (*Chapter VII*).

17.2 Providers of administrative data have an obligation to consult the *National Statistical Office*, and any *Other Producer of Official Statistics* affected, in advance and as early as possible about any expected changes in their data collection or processing that may affect data provided for official statistics.

Article 18 Censuses

18.1 This paragraph defines the census. Censuses could be carried out on various topics, including on the size and structure of the population, housing, economic units, buildings or farms.

18.2 This paragraph emphasizes that the Law is fully applicable to all census operations, participation in censuses is compulsory to all respondents and various data sources can be used.

18.3 Census operations should be regulated in more detail in a separate legal act. Some countries may decide to have the provisions, especially for economic censuses, incorporated in the statistical law and, therefore, do not need a specific legal act for that.

The *National Statistical Office* is responsible for all censuses. However, other bodies, notably at the local level, that are not part of the *National Statistical System* may assume an important role in census operations. These bodies and their tasks have to be outlined in the special legal basis for the census. Staff members employed by such bodies have to sign the confidentiality commitment (*Article 25*).

Article 19 Statistical registers

19.1 Statistical registers are a cornerstone of modern official statistics as a basis for efficient sampling and a source of consistent basic data on statistical units, for instance businesses, households or dwellings, for various related statistics. The *National Statistical Office* is responsible for establishing and maintaining statistical registers to be used exclusively for statistical purposes.

The Law does not mention the specific registers to be maintained, as they will be specified in each country in the annual statistical programme. Additional legislation or instructions may be needed to specify the requirements for establishing, maintaining and using the different statistical registers.

The individual data from statistical registers can only be used for the purposes of producing official statistics within the *National Statistical System*. This means that the *Producers of Official Statistics* may receive data on statistical units with identifiers from the statistical registers, as listed in the annual statistical programme.

Statistical registers need to be maintained separately from similar administrative and public registers, which are managed by non-statistical bodies and based on other legislation. Administrative and public registers may provide important input into statistical registers. As statistical registers are protected by confidentiality (*Chapter VII*), no individual data can be provided from statistical registers to administrative registers even if the same data would be publicly available from other sources.

G. Chapter VII - Statistical confidentiality

Article 20 Data subject to statistical confidentiality

20.1 This paragraph defines data subject to statistical confidentiality in line with *paragraph 3.If* as data that allow natural or legal persons to be identified directly or indirectly. Statistical confidentiality applies to individual data of natural or legal persons; statistical aggregates that only include 1 to 3 units referring to natural or legal persons; and state secrets that may be declared in other legislation.

Direct identification is possible via an identifier or a combination of identifiers (*Article 4*): names, addresses, identification numbers, etc. Indirect identification may be possible through a combination of characteristics in the data set, for instance location combined with age, sex or marital status of inhabitants.

Sets of individual data that are not structured by natural or legal persons, but by statistical units such as events, e.g. accidents or crimes; transactions; or objects, e.g. dwellings or vehicles are also subject to confidentiality if they contain characteristics that allow direct or

indirect identification of a natural or legal person. In practice, there are very few sets of individual data in the *National Statistical System* that do not contain a risk of identification of a natural or legal person.

An aggregate protected by statistical confidentiality cannot be disclosed. However, higher-level aggregates should include the confidential lower-level aggregates to avoid bias in the released statistics. The *Producers of Official Statistics* should take sufficient measures to prevent indirect identification of confidential aggregates.

All aggregates that could reveal issues declared as state secrets in other legislation are subject to statistical confidentiality. These data should be included in higher-level aggregates.

It is advisable that the *Chief Statistician* issue standards for ensuring statistical confidentiality based on international practices and guidance. These standards may include instructions on how to handle and store individual data with identifiers, how to anonymise individual data and how to handle confidential aggregates when releasing statistical tables. If the protection of respondents' privacy requires, the *Chief Statistician* can extend the coverage of statistical confidentiality to certain aggregates composed of more than 3 units.

The Law does not make data from publicly available sources non-confidential in the *National Statistical System* nor does it allow the release of confidential data with the consent of a respondent. It is not the task of the *Producers of Official Statistics* to collect individual data and provide them for anything other than statistical purposes. Furthermore, typically raw data from respondents or public sources is processed, complemented and edited by the *Producers of Official Statistics*, thus possibly altering the original figures.

20.2 Statistics that allow identification of national and local authorities are not, in general, considered confidential. However, public corporates (public business entities) shall benefit from the same protection of confidentiality as private businesses if they operate in competitive markets. The *Chief Statistician* may decide that information of these units should not be considered confidential if the information is of public interest and would not be likely to be harmful for the unit.

Article 21 Exclusive use for statistical purposes

21.1 This paragraph explains the improper use of individual data of a natural or legal person that are in the possession of *Producers of Official Statistics*. A strict application of this paragraph is important for maintaining trust in the *National Statistical System*, and enabling the production of high-quality of statistics. *Producers of Official Statistics* can never be the source of individual data for purposes mentioned in this paragraph; an administrative body that collects data may be entitled to use individual data in their own possession for such purposes depending on their legal mandate.

Article 22 Secure data processing and storage

22.1 *Producers of Official Statistics* are obliged to take all security measures necessary to protect the confidentiality of data and statistics prior to their release. The statistical infrastructure, administrative instructions and communication technology used for data collection, transmission and processing should be designed to safeguard data confidentiality. This includes access to buildings where *Producers of Official Statistics* and the production equipment and software are located.

22.2 *Producers of Official Statistics* may process and store individual data with identifiers as required for statistical production. However, original data collection forms should be destroyed as soon as they are no longer necessary for statistical purposes.

Individual data with identifiers may be processed and stored in databases for longer as such data may be useful for future analysis, major revisions of statistics that require recalculations and combinations with new data sets. Separate legislation on maintaining archives may apply to statistical data sets, but without prejudice to statistical confidentiality.

Individual data has to be processed and stored in such a way that it is never disclosed for unauthorized or illegitimate use. One possibility is that the *Producers of Official Statistics* store individual data with internal or even encrypted identifiers that are not known or used outside the *National Statistical System*.

Article 23 Access to individual data of the National Statistical System

23.1 This paragraph regulates access to individual data for purposes other than research. This paragraph reinforces the requirement that *Producers of Official Statistics* shall not disclose individual data to any user to maintain trust among users and respondents. This also includes individual data that are not subject to confidentiality. The only exceptions to this rule are anonymized public use files that the *Producers of Official Statistics* may provide (*paragraph 23.2*) and access to individual data for research (*Article 24*).

23.2 This paragraph allows the *Producers of Official Statistics* to process detailed data in such a way that a natural or legal person cannot be identified either directly or indirectly. This type of public use files are provided in some countries, but such processing also requires careful consideration and control of the resulting user file to ensure that the file cannot be used for identifying natural or legal persons.

23.3 This paragraph allows the *National Statistical Office* to receive individual data from *Other Producers of Official Statistics* with identifiers. *National Statistical Systems* are generally not yet considered strong enough to allow a flow of individual data among all members of the *National Statistical System*. This would require a very stable and established definition of official statistics, strong and independent *Producers of Official Statistics*, a high degree of unity in practices of handling individual data and highly sophisticated, safe IT frameworks.

23.4 In order to enhance the efficiency of the *National Statistical System*, promote reuse of data and avoid duplication of data collection, the *Chief Statistician* may authorize the transmission of individual data without identifiers from the *National Statistical Office* to *Other Producers of Official Statistics* for statistical purposes. The transmitted data are subject to statistical confidentiality.

For *National Statistical Systems* having reached a higher level of maturity and consisting of *Producer of Official Statistics* that fully comply with the Law, the legislation may be adjusted so that the *Chief Statistician* may allow case by case submission of individual data (other than register data) with identifiers to a *Producer of Official Statistics*. This must be limited to the extent necessary for statistical activities and outputs listed in the annual statistical programme and only when confidentiality of data can be fully ensured.

The *Chief Statistician* may authorize the transmission of statistical units with identifiers from statistical registers provided that this is part of the annual statistical programme and serves as a basis for data collection for the *Producers of Official Statistics*. The transmitted data are subject to statistical confidentiality.

23.5 The *Chief Statistician* has the authority to authorize or forbid transmission of individual data from the *National Statistical Office* to *Other Producers of Official Statistics*. The required data and the required practices for their use, processing and storage shall be documented in a signed agreement. Information on these data transmissions should be publicly available on request to ensure transparency.

Article 24 Access to confidential data for research purposes

24.1 This paragraph allows *Producers of Official Statistics* to grant access to their individual data exclusively for independent scientific research projects in compliance with the Law.

24.2 These data cannot include identifiers, and data shall be limited to those that are necessary for the research purpose.

24.3 The *Producers of Official Statistics* have the authority to decide, after consultation with the *Chief Statistician*, for each individual case whether access to individual data can be provided. There is no automatic right for a researcher to obtain access. The Law sets strict conditions for access, including that it needs to be ensured that the receiving party has the technical infrastructure and organizational framework for the protection of confidential data.

When requests are made from researchers abroad, the *Chief Statistician* must check that the statistical legislation in the country concerned protects confidential data to a comparable extent and allows for sanctions in case of infringement.

24.4 If the *Producers of Official Statistics* grant access, all persons who will participate in the handling of data during the research project must sign a contract in accordance with the Law.

24.5 Since this is a service that requires processing of data for the customer, the *Producers of Official Statistics* should be allowed to charge for the extra cost involved. National legislation on chargeable public services may apply.

24.6 All access to individual data for research should be monitored in the whole *National Statistical System*, and the *Chief Statistician* is advised to develop a standard text for the contract and a checklist for assessing requests based on the Law. This would set the basis for providing a list of all transmissions of individual data for research purposes on request.

Article 25 Confidentiality commitments

25.1 The importance of statistical confidentiality and exclusive use for statistical purposes is highlighted by the requirement that all staff of any *Producer of Official Statistics* shall sign written confidentiality commitments. The requirement also applies to any person outside the *National Statistical System* who may access or collect confidential data, such as staff from other authorities involved in census operations or staff from sub-contractors (*Article 26*). Persons carrying out scientific research with a granted access to individual data will sign a confidentiality commitment as part of the contract.

25.2 The commitments remain binding even beyond the duration of work within a *Producer of Official Statistics*. Violations of any confidentiality provisions of the Law shall be prosecuted (*Article 35*).

Article 26 Subcontracting

26.1 This paragraph about subcontracting is intended to provide a basis for purchasing material or services from commercial enterprises, which can be cost-effective and provide skills and capacities that are not available in the *National Statistical System*.

The *National Statistical Office* should be prepared to launch and handle calls for tender following the national rules on public procurement, with the support of a competent administrative body when appropriate. *Other Producers of Official Statistics* can use the services of other units of the body to which they belong.

Subcontracting does not diminish the responsibility of the *Producers of Official Statistics* for the deliveries. The goods or services purchased from subcontractors must be validated by the *Producers of Official Statistics*.

The conditions for subcontractors, to be fixed in a contract, must make sure that any confidential data the subcontractors may have access to are protected from disclosure and that data are used exclusively for the operations and only for the duration defined in the subcontract. Just as researchers do, subcontractors must destroy confidential data after their work for a *Producer of Official Statistics* has ended.

H. Chapter VIII Quality of official statistics

Article 27 Quality commitment

27.1 All *Producers of Official Statistics* must regularly assess and continually improve the quality of their products and processes, with respect to user needs, the principles of official statistics (*Article 3*) and internationally agreed statistical standards and recommendations. The commitment to quality should be made visible by including key improvement actions in the statistical programmes.

27.2 Quality management shall be based on common standards and harmonised methods of official statistics. Many *Producers of Official Statistics* carry out self-evaluations of key statistics and set targets for the different quality dimensions (*Article 3*). In case a statistic does not meet the targets, the *Producer of Official Statistics* may decide to launch development work or exclude the statistic from the list of official statistics for the time being.

27.3 To ensure quality of statistics, the *Producers of Official Statistics* have the obligation and right to apply statistical methods, such as editing of individual data, record linking or other forms of combining data from different sources and using estimation techniques. This includes correct treatment of non-response, both for sample and more exhaustive surveys. The *National Statistical Office* must build up its methodological know-how, follow up with international developments and share this knowledge with *Other Producers of Official Statistics*.

27.4 Proper documentation for sources, methods and data sets is a basic requirement that all *Producers of Official Statistics* need to observe. Ideally metadata would include an assessment of how each statistic meets the quality targets (*Article 3*). External and internal quality assessments should be made public as part of metadata.

Article 28 Quality assessment

28.1 This paragraph promotes first of all collaboration with users to ensure relevance of official statistics, but also collaboration with respondents, the scientific community and other experts to assess and improve the quality of official statistics.

28.2 Respondents are the key stakeholder without whom high-quality statistics cannot be produced. Therefore, *Producers of Official Statistics* need to actively seek feedback from respondents. This might imply the prior testing of survey questionnaires, survey instructions, terminology and methods of data collection before launching substantially changed or new surveys. Monitoring the overall response burden and identifying ways to reduce it are important for maintaining high response rates and good quality of data provided. Furthermore, promoting trust of respondents in the *National Statistical System* is crucial for producing reliable statistics.

28.3 Cooperation with the scientific community should be promoted for testing new methods, conducting experimental studies and analysis and training staff. This

collaboration may include internship agreements with Universities. If such cooperation requires the access of researchers to confidential data of the *National Statistical System*, *Article 24* is applicable.

28.4 This paragraph encourages assessments of the institutional environment, processes and outputs, carried out by external and internal experts. These assessments could focus especially on the principles of official statistics and application of international statistical standards and recommendations. They can be initiated by a *Producer of Official Statistics*, the *Statistical Council (Article 8)* or an international organization. Such assessments can use national (e.g. from the scientific community) or international experts. The results of such assessments should be made public. Moreover, the *Chief Statistician* has the responsibility to regularly assess whether the *Other Producers of Official Statistics* comply with the principles of official statistics.

I. Chapter IX Dissemination

Article 29 Statistical releases

29.1 The main requirement related to dissemination is that official statistics shall be disseminated in a timely and punctual manner in full compliance with the principles of official statistics (*Article 3*) and the specific articles on dissemination (*Articles 29-30*). The protection of confidentiality and equal access to official statistics are the key principles pertaining to dissemination.

The principle of equal and simultaneous access to statistics for all users, including governmental users, is central to the ethics of official statistics. Through dissemination on the web, this principle can today be implemented in a very rigorous way, by specifying an exact release time when new statistics will become available.

The Law imposes a strict policy of fully equal and simultaneous access to official statistics for all users, without any pre-release access. Equal access is also an important indicator of the professional independence of the *Producers of Official Statistics*. Where pre-release practice exists, it should be reviewed in order to discontinue the practice or reduce it. If a country chooses to deviate from the principle of equal and simultaneous access, an article needs to be added to the statistical law to regulate the pre-release access for selected authorities and selected statistics. Any user to whom pre-release access is granted must sign an embargo declaration. The public must be informed which authorities have pre-release access, to which data and at what time. In general, pre-release access should not be available more than a few of hours ahead of the scheduled release time of the statistics.

29.2 All *Producers of Official Statistics* must establish a public, pre-announced release calendar with the planned dates and times for the releases of official statistics. This informs all users about when official statistics are released and ensures that statistics are disseminated irrespective of the reaction of the government or political actors.

Most attempts at violating the professional independence (*Article 3.1a*) of official statisticians occur to prevent the dissemination of statistics that are unsuitable or disagreeable for the political actors. The Law, therefore, protects official statisticians, the *Chief Statistician* and the Heads of *Other Producers of Official Statistics*, against such attempts.

This release calendar will have to be dynamic, as precise dates cannot always be fixed far in advance, and it is necessary to update and adjust the release calendar during the year. Any divergences from the planned dates should be communicated and explained to the users in advance with a new date for release. This helps avoid any perception of interference with professional independence.

29.3 All releases of official statistics need to be accompanied by sufficient, up-to-date metadata and explanatory comments, written by the responsible producer, to enable users to understand the resulting statistics. Metadata may provide information on the attributes of the data, such as the length and consistency of time series, average revisions to be expected, etc. Expert users will need more detailed metadata to evaluate the statistical methods applied and the quality of the statistics. Metadata should be objective and impartial and not contain any policy-prescriptive statements.

Access to official statistics, as a public good, should be made available free of charge. This should cover at least the main results in at least one publication format, such as through the website of the *Producer of Official Statistics*. For printed material, a pricing policy for the whole administration can be applied to official statistics. If paper is the only form of dissemination, at least some of the main results should be made available free of charge to all users.

29.4 This paragraph requires that official statistics be clearly distinguished from any other statistics when released. This is based on the assumption that some statistics published by the *Producers of Official Statistics* may not qualify as official statistics. In practice, this might mean that there is a label of official statistics for the entire *National Statistical System*. This label may be a logo that distinguishes official statistics from both the results of statistical services and any products that are not produced in accordance with the principles of official statistics.

29.5 This paragraph provides a procedure for handling errors that were not detected in the quality control prior to release. When such errors occur, the paragraph obliges the *Producers of Official Statistics* to communicate corrections to the users at the earliest possible time. The detailed procedures for handling such cases may be part of a coordinated dissemination policy (*Article 30*).

29.6 This paragraph allows the free reuse of official statistics, including metadata, provided that users indicate the data source. If there is any misuse or misinterpretation of official statistics, the producer has the right to react publicly.

Article 30 Dissemination policy

30.1 Dissemination policy (*Article 30*) is an important tool for professional independence that should ensure adherence to predetermined, frequent release schedules for official statistics that prevent manipulation of release dates for political purposes. This paragraph requires the development of a coordinated dissemination policy to be applied across the entire *National Statistical System*. This dissemination policy could include the following elements:

- (a) The general dissemination principles and guidelines, in line with the present Law.
- (b) The use of different dissemination platforms and the pricing policy.
- (c) Procedures for handling errors.
- (d) Procedures for handling revisions.
- (e) Ways to facilitate users' access to all official statistics from different producers.
- (f) The main contents and practices for releasing metadata.
- (g) Best practices for producing tables, graphs and written explanations.
- (h) Practices for archiving statistical releases for future use.

Applying a unified terminology across statistics helps avoid confusion and misinterpretation. The more the results of official statistics in different domains use common definitions and classifications, the easier it is for users to compare and combine data across domains and the easier it is for producers to check consistency of statistics. *Producers of Official Statistics* should make a clear distinction between the release of statistical information and policy interpretations and prevent the misuse and erroneous interpretation of statistics.

Archiving statistical releases is important for transparency and trust in official statistics. The period of archiving releases could be determined in the dissemination policy. This means that erroneous releases will remain available, but the changes should be flagged in the releases to ensure that correct data are also available. When the archiving periods for releases expire, key data sets will be archived in cooperation with the national archive and following the relevant legislation without prejudice to statistical confidentiality or other provisions of the Law.

30.2 Timeliness is important for users, and *Producers of Official Statistics* often produce early estimates to ensure availability of at least indicative information at the right time. *Producers of Official Statistics* need to flag preliminary releases to inform users that these statistics are subject to revision when data accumulates. The policy for producing preliminary releases could be part of a general dissemination policy as one type of revisions. *Producers of Official Statistics* should monitor and analyse revisions and take measures to improve data quality.

30.3 Revisions are the result of a planned process when data accumulate or concepts, definitions and classifications used in official statistics change, for example because of changes to international standards. *Producers of Official Statistics* should inform users in time about planned changes and about the effect on comparability over time, such as breaks in time series. At the time of major revisions in statistics, the time series before the change must be recompiled using the new concepts, definitions and classifications to ensure a sufficient length of coherent time series before and after the change.

J. Chapter X Statistical services

Article 31 Provision of statistical processing services

31.1 The Law regulates the production of two types of statistical services: processing services with data that already exist within the *National Statistical System* and services to collect new data. The statistical processing services facilitate effective use of existing data in the *National Statistical System* in society and help avoid duplication of data collection.

While statistical processing services are important for promoting use of data, *Producers of Official Statistics* can decide which processing services to engage in. They should first ensure sufficient resources for the activities mandated through the statistical programmes to ensure the highest quality of official statistics. Before engaging in the work, *Producers of Official Statistics* should also consider the possible credibility impacts of carrying out statistical processing services, for example on sensitive or politically challenging topics.

31.2 Statistical processing services cannot be funded from the budget. Customers requesting statistical services have to pay for the additional costs of the required processing. Any customer is entitled to purchase the same information produced by another customer for the same price. Separate legislation on payable public services may apply to statistical processing services without prejudice to the Law.

31.3 The provision of processing services has to be transparent; a list of regularly produced processing services should be communicated, for instance on the web site. If a

Producer of Official Statistics provides any processing services without compensation, for example due to the very limited costs of processing, these results need to be made available to all users with the accompanying metadata to ensure equal access.

31.4 Statistical processing services do not have the status of official statistics. Regardless of this, the *Producer of Official Statistics* has to ensure their quality, and the decisions about concepts and methods must be taken within the *National Statistical System* in full compliance with the Law. Even though the data provided as a statistical service may not be relevant for society at large, it will be relevant for the individual customer.

If some processing services, provided regularly, become essential for society at large or are required for fulfilling international statistical standards and meet the criteria for official statistics, the *Chief Statistician* may include these statistics in the list of official statistics. This has no implication on the funding of the activity, unless the government decides to add the sum covering the production costs to the budget of the relevant *Producer of Official Statistics*.

31.5 The principle of confidentiality (*Articles 20-26*) and quality provisions (*Articles 27-28*) have to be observed in all circumstances.

Article 32 Provision of data collection services

32.1 Considering their core competence, *Producers of Official Statistics* are well placed to produce efficient and high quality data collection services. The Law regulates data collection services, such as additional data collection through increased sample size of existing or planned surveys, inclusion of additional variables in the existing or planned surveys or data collection through an additional survey carried out for this purpose. Data collection services can only be carried out on behalf of international, national or local authorities, not for the private sector or researchers.

Producers of Official Statistics can decide which data collection services to engage in. They should first ensure sufficient resources for the activities mandated through the statistical programmes to ensure the highest quality of official statistics. Extensions of existing surveys may have negative effects on the quality of replies, or respondents may be more likely to refuse participation because of the additional burden. This may hamper the quality of official statistics.

Before engaging in the work, *Producers of Official Statistics* should also consider the possible impact on credibility of carrying out data collection services. It is advisable for the *Producers of Official Statistics* not to engage in producing opinion polls, unless no negative impacts can be foreseen. Additional questions and new surveys should undergo testing before data collection.

32.2 Statistical data collection services cannot be funded from the budget. Customers requesting data collection services have to pay for the additional costs. Separate legislation on payable public services may apply to statistical data collection services without prejudice to the Law.

32.3 The statistics resulting from data collection services need to be made available to all users with the accompanying metadata by the *Producer of Official Statistics*, the customer or as a joint venture. The provision of data collection services has to be transparent; a list of all data collection services should be included in the implementation report of the annual statistical programme, including data collection services for international authorities.

32.4 The statistics resulting from data collection services do not have the status of official statistics. Regardless of this, the *Producer of Official Statistics* has to ensure their quality, and the decisions about concepts and methods must be taken within the *National Statistical System* in full compliance with the Law. Even though the data provided as a statistical

service may not be relevant for society at large, the service will be relevant for the individual customer and the resulting statistics will be publicly available for any additional users.

If some data collection services, provided regularly, become essential for society at large or are required for fulfilling international statistical standards and meet the criteria for official statistics, the *Chief Statistician* may include the resulting statistics in the list of official statistics. This has no implication on the funding of the activity, unless the government decides to add the sum covering the production costs to the budget of the relevant *Producer of Official Statistics*.

32.5 Surveys or parts of surveys carried out to provide data collection services cannot be declared compulsory for respondents. Respondents need to be clearly informed of the voluntary nature of these surveys or parts of surveys. The principle of confidentiality (*Articles 20-26*) has to be observed in all circumstances. All provisions on statistical surveys (*Articles 15-16*) and quality provisions (*Articles 27-28*) fully apply.

K. Chapter XI International cooperation

Article 33 Participation in international cooperation

33.1 Statistics cannot be developed in isolation within national borders. International collaboration creates opportunities for efficient development of new statistics in a joint effort of the experts. It reduces costs of producing official statistics through the development of common standards and tools and sharing of experience. Above all, it is crucial for ensuring the comparability of statistics across countries.

To build competence in statistics, the staff of the *Producers of Official Statistics* should take active part in international statistical work and bring forth the priorities and challenges of their country. Sufficient funding needs to be allocated for travel to meetings and workshops and for training courses in English.

33.2 It follows from the coordination role of the *National Statistical Office* (*paragraph 5.2*) and the role of the *Chief Statistician* as a representative of the *National Statistical System* at the international level (*paragraph 6.3*) that the *National Statistical Office* must be the focal point for international statistical cooperation, international capacity building activities and external assessments carried out by international organizations.

Article 34 International transmission of data

34.1 The *National Statistical Office* acts as a coordinator for transmissions of official statistics to international organizations in line with the Law and the principle of full professional independence (*paragraph 3.1a*). The *National Statistical Office* should be informed and asked to examine all official statistical data before transmission, even when requests for official statistics are addressed to Ministries or other authorities directly.

If requests from international organizations cannot be met by providing existing statistics, additional processing or data collection services may be carried out, if resources permit, in line with the provisions on statistical processing services or data collection services (*Articles 31 and 32*).

The Law does not allow transmission of data subject to statistical confidentiality to international organizations. However, the provisions on access to individual data for research purposes (*Article 24*) may apply to international organizations in case of scientific research projects.

L. Chapter XII Infringements

Article 35 Violation of statistical confidentiality

35.1 The regulations on breaches of confidentiality are strict to reinforce the credibility of official statistics. All violations of confidentiality shall be prosecuted. This paragraph provides a procedure for dealing with violations of confidentiality provisions of the Law (*Articles 20-26*). These infringements will be prosecuted in compliance with the specific national legislation, such as the Criminal Code.

This paragraph requires prosecution in case any person or organization, be it a staff member or someone else, uses information before its release for purposes other than those authorized by the present Law, i.e. anything other than statistical purposes or authorized statistical research, for example to take advantage of information before its release for personal gain.

Article 36 Failure to fulfil the obligation to provide data

36.1 This paragraph reinforces the mandate of the *Producers of Official Statistics* to collect the data necessary for the production of official statistics. In some cases, even the data of an individual respondent may have a significant influence on the quality of official statistics. Firstly, the quality of data provided for statistics should be ensured through close collaboration with the representatives of respondents and continuous development of data collection, taking into account the viewpoint of respondents. As a second option, the *Producers of Official Statistics* may decide to take action to fine a respondent who wilfully fails to provide data, in spite of having been reminded, or who wilfully provides false data.

The *Producer of Official Statistics* can decide, in each case, whether to take up the process of sanctioning the respondent or not. It is advisable to formulate a policy for the unified handling of cases that might require sanctions across the *National Statistical System*.

The use of compulsory surveys and sanctions will be based on the circumstances and traditions of each country and take into account the difficulty of maintaining sufficiently high response rates on a voluntary basis.

M. Chapter XIII Relationship to other legislation

Article 37 Articles on statistics in other legislation

37.1 This paragraph emphasizes that the statistical law, developed on the basis of the Generic Law, shall apply if any conflicting legislation relating to statistics exists in a country. Other legislation applying to activities in official statistics should be adapted to comply with the Law. This provision protects the key principles of official statistics, especially confidentiality (*Articles 20-26*) and professional independence (*paragraph 3.1*).

Statistics produced by authorities according to their own regulatory frameworks that do not comply with the Law are not considered official statistics. These activities will be carried out in compliance with the relevant legislation, other than the Law.

Provisions that deal with statistics that may become official statistics in the future must be scrutinised carefully to assess whether the legal framework is in conflict with the Law. Any conflicts would need to be resolved before inclusion of new statistics in the list of official statistics. The *National Statistical Office* should continue to review other legislation after the entry into force of the Law, for example to assess initiatives aiming at new and revised legislation.

37.2 Many legal acts outside of statistical legislation regulate activities carried out by *Producers of Official Statistics*, such as any legal acts relating to the openness of government activities, archives, public services, etc. These legal acts should apply to the activities within the *National Statistical System*, if they are not in conflict with the Law. Therefore, the statistical law needs to be adjusted to the national legislative environment, even though it is developed based on the Generic Law.

37.3 The relationship between statistical legislation and existing or forthcoming data protection legislation is a particularly difficult area that requires careful analysis. A particular point of conflict is the right for persons to obtain access to the data stored about them or to ask for corrections. Data sets in the *National Statistical System* should be exempted from these articles, since the information therein is only used for statistical purposes and not for the handling of the affairs of individuals. If a data protection law is being prepared, the *National Statistical Office* should be closely involved in the process.

N. Chapter XIV Entry into force

Article 38 Transitional arrangements and entry into force

38.1 This paragraph defines the date of entry into force of the new law for all official statistics. Achieving full compliance with the Law within the *National Statistical System* may take time. It is advisable that preparations for the necessary changes in the *National Statistical System* are started before the entry into force of the new Law.

The *National Statistical Office* shall assess the degree of implementation of the Law across the *National Statistical System* between the entry into force of the Law and the end of any transitional arrangements, and will provide support and advice for closing the gaps.

38.2 This paragraph identifies the legal acts that become redundant or obsolete at the entry into force of the Law to remove any conflicting regulation.
