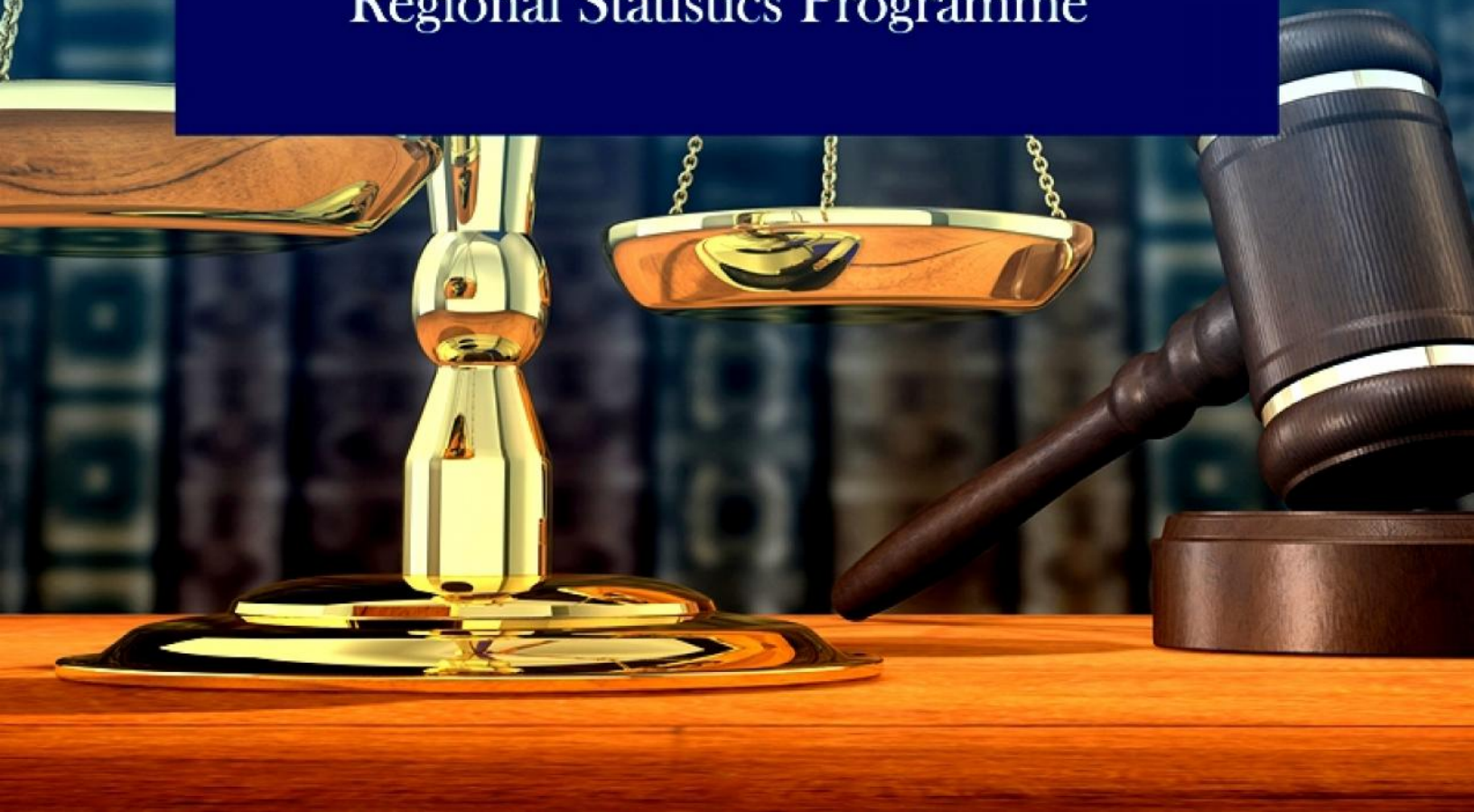




**CARIBBEAN COMMUNITY (CARICOM) SECRETARIAT
GEORGETOWN, GUYANA**

Statistics Model Bill

Regional Statistics Programme



THE STATISTICS MODEL BILL

BILL

AN ACT to provide for the establishment of a National Statistical Institute in [Country] with the functions of developing an integrated statistical system, establishing standards for statistical purposes, collecting, compiling, analyzing and publishing official statistics and for matters incidental thereto.

Enactment **ENACTED** by the Parliament of [Country] as follows:

Short title 1. This Act may be cited as the Statistics Act, [Year].

Interpretation 2. In this Act –

"anonymised microdata" means information pertaining to any person which is in a form that conceals or protects the identity of that person;

"Board" means the Board of the Institute established under section 5;

"census" means a statistical investigation covering all relevant statistical units in a country or in a well-delimited part of a country;

"Chairman" means Chairman of the Board of the Institute established under section 5;

"Chief Executive Officer" means the Chief Executive Officer of the Institute;

"electronic media" means broadcast or storage media that take advantage of electronic technology. They may include television, radio, Internet, fax, CD-ROMs, DVD, and any other medium that requires electricity or digital encoding of information. The term 'electronic media' is often used in contrast with print media

"electronic transmission" means transmission by means of digital, electrical, electromagnetic, optical, wireless or similar technology;

"Institute" means the National Statistical Institute of [Country] established under section 3;

"member" means member of the Board;

“Minister” means the Minister responsible for statistics and Ministry shall be construed accordingly;

“official statistics” means statistics related to any matter contemplated in the First Schedule which have been approved and classified as official statistics by the Board;

“person”, where the term is used in relation to a person furnishing or required to furnish any information under this Act, includes individuals, firms, partnerships, associations, unincorporated bodies, companies, corporations, and ministries, departments and agencies of Government, as well as the individuals constituting a firm or partnership and, in the case of an association, unincorporated body, company or corporation, the directors, manager or secretary, and, in the case of a ministry, department and agency of Government, the head by whatever name called;

“public notice” means a notice given to the public through a local newspaper, on radio, television, the internet or other electronic or print form;

“statistics” means information in connection with or incidental to any census or survey or administrative data sources or all or any of the matters specified in the First Schedule and “statistical” shall be construed accordingly;

“survey” means a statistical investigation covering a part or a sample of all relevant statistical units;

“undertaking” means an activity carried on by an individual, firm, partnership, association, unincorporated body, company, corporation, or ministry, department and agency of Government.

Establishment of the National Statistical Institute 3. There is hereby established a body to be known as the National Statistical Institute of [Country] which shall be a body corporate.

Functions of the Institute 4. The functions of the Institute are:

- (a) to collect, compile, analyse and publish official statistics;
- (b) to carry out such censuses and surveys in relation to the subjects listed in the First Schedule as may be necessary from time to time for the purposes of paragraph (a) above;
- (c) to formulate, and ensure compliance with, standards for statistical purposes;
- (d) to collaborate with individuals, firms, partnerships, associations, unincorporated bodies, companies, corporations, ministries, , departments and agencies of Government in the collection, compilation and publication of statistics;

The Constitution
of the Board of the
Institute

5. (e) to promote, develop and maintain an integrated statistical system in [Country]; and
- (f) to liaise with other countries and regional and international organizations in relation to statistical matters.
- (1) The powers of the Institute shall be vested in the Board.
- (2) The Board shall consist of not less than nine and no more than fifteen other members as the [Head of State], having consulted with the Minister and organizations representing groups of statistical units, may by instrument in writing appoint.
- (3) The [Head of State] shall appoint one of the members to be Chairman.
- (4) The term of office of any member shall be for such period not exceeding three years as the [Head of State] may direct in the instrument appointing such member. Any such member shall be eligible for re-appointment.
- (5) There shall be paid to the Chairman and the other members such remuneration as the Minister may determine.
- (6) The [Head of State] may, on the application of any member, grant leave of absence to such member.
- (7) The [Head of State] may, in case of the absence or inability of any member to perform his duties, appoint any person to act temporarily in place of such member.
- (8) The [Head of State] may terminate the appointment of any member if such member -
- (a) resigns his office by instrument in writing addressed to the [Head of State];
- (b) becomes incapable of performing his duties under this Act;
- (c) is sentenced to a term of imprisonment;
- (d) is guilty of gross misconduct;
- (e) engages in activities prejudicial to the interests of the Institute; or
- (f) fails, without reasonable excuse, to carry out his duties under this Act.

- (9) The appointment, removal or resignation of any member shall be notified in the Gazette.
- (10) Subject to the provisions of this Act, the Board shall have power for the purpose of execution of its duties and the discharge of its functions to -
 - (a) carry on all activities which appears to it to be requisite, advantageous or convenient for or in connection with the conduct of its duties and functions;
 - (b) do anything and to enter any transaction which in its opinion is essential to facilitate the proper conduct of its duties and functions or is incidental or conducive thereto.
- (11) The seal of the Institute shall be kept in the custody of the Secretary to the Board, or by any officer of the Institute authorized by the Chairman and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman, or any member authorized to act in that behalf, and the Secretary. The seal shall be authenticated by the signature of the Secretary.
- (12) The Board shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Chairman may determine.
- (13) The quorum of the Board shall be a majority of its members and for meeting purposes Board Members must be physically present at the Meeting but decision-making could be done by circular resolution
- (14) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the Chairman or other member presiding at the meeting shall have a casting vote in any case in which the voting is equal.
- (15) The funds and resources of the Institute shall consist of –
 - (a) such sums as may from time to time be appropriated by Parliament and which should be adequate for the functioning of the Institute; and
 - (b) all other moneys and other property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.
- (16) The Institute should be exempt from all taxes and stamp duty

- (17) Subject to the provisions of this Act, the Board may regulate its own proceedings.
- (18) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done bona fide in the execution or intended execution of this Act.
- Appointment and termination of the Chief Executive Officer of the Institute
6. (1) The [Head of State] [Board] [Minister] shall appoint a Chief Executive Officer of the Institute for a period not exceeding five years on terms and conditions approved by the Minister. The appointment of the Chief Executive Officer may be renewable.
- (2) The [Head of State] [Board] [Minister] may terminate the appointment of the Chief Executive Officer if he –
- (a) resigns his office by instrument in writing addressed to the Chairman;
 - (b) becomes incapable of performing his duties under this Act;
 - (c) is sentenced to a term of imprisonment;
 - (d) is guilty of gross misconduct;
 - (e) engages in activities prejudicial to the interests of the Institute; or
 - (f) fails, without reasonable excuse, to carry out his duties under this Act.
- Duties of the Chief Executive Officer
7. (1) The Chief Executive Officer shall be in charge of the day-to-day management and operation of the Institute and shall be a member of the Board.
- (2) The Chief Executive may, for the purpose of the performance of any of his functions, employ such persons in addition to the staff of the Institute as he may consider necessary for the particular purpose.
- Appointment of Advisory Committees
8. (1) The Board may appoint advisory committees to advise the Institute on matters related to its functions.
- (2) The terms and conditions of the appointment of any advisory committees shall be determined by the Board.
- Power to obtain information
9. (1) The Chief Executive Officer, or a person acting on his behalf, shall give notice, in respect of any one or more in the matter specified in the First Schedule, require any person by public notice –

- (a) to furnish in the form and manner and within the time specified, such periodical or other information, estimates or returns, as may be specified; and
 - (b) to provide particulars –
 - (i) at a personal interview; or
 - (ii) by telephone or electronic transmission; or
 - (iii) in such other form and manner and within the time specified in the notice.
- (2) A notice referred to in subsection (1) shall state –
- (a) that it is in the exercise of the powers conferred upon the Chief Executive Officer by that subsection; and
 - (b) the purpose for which the information, estimates, returns or particulars are required.
- (3) Notwithstanding the provisions of any law enjoining secrecy, any person having the custody or charge of any records or documents that are maintained by any firm, partnership, association, unincorporated body, corporation, or any ministry, department and agency of Government, or –
- (a) from which information is sought in furtherance of purposes of this Act may, in the opinion of the Chief Executive Officer, be obtained; or
 - (b) which, in the opinion of the Chief Executive Officer, will aid in the completion or correction of information already obtained,
- shall grant to the Chief Executive Officer, or a person acting in his behalf, access to such records or documents for the purpose of obtaining therefrom the required information and shall furnish the Chief Executive Officer, or a person acting in his behalf, with copies of any such records or documents if so required.
- (4) The data collected in accordance with the provisions sub-section (3) hereof are to be used for statistical purposes only
- (5) This Act shall supersede any other legislation and /or regulation with respect to the collection of data for statistical purposes

- Notices
10. (1) Except as otherwise provided, a notice required or authorized by this Act to be served on any person may be served either –
- (a) by publishing it in the Gazette; or
- (b) by publishing it in the electronic and/or print media including the website of the Institute.
- Publication of notices requiring returns by a class of undertakings
11. (1) The Chief Executive Officer may, by notice published in the Gazette and once a week for two weeks and /or in a newspaper printed and circulating in [Country], specify a class of undertakings in relation to which returns will be required for the purposes of this Act.
- (2) In the case of continuous data collection activities, the frequency of publication of the notice shall be at least once a year.
- Where pursuant to subsection (1) the Chief Executive Officer publishes such a notice, any person who is carrying on an undertaking of the class specified in the notice shall, within the time specified in the notice, inform the Chief Executive Officer that he is carrying on such an undertaking and shall give to the Chief Executive Officer such information or particulars of the undertaking as may be specified in that notice.
- Oath of secrecy
12. Any person employed in the exercise of any power or the performance of any duty under this Act, including any additional staff employed by the Chief Executive Officer pursuant to section 7(2), shall, before assuming his duties, take the oath or make the affirmation set out in the Second Schedule.
- Prohibition against examining returns and disclosing information
13. Subject to the provisions of this Act -
- (a) no person, other than a person who is employed under this Act and who has taken the oath or made the affirmation under section 12, shall be permitted to examine any information provided under sections 9 to 11 of this Act; and
- (b) no person shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from the disclosure to relate the information obtained under sections 9 to 11 to an identifiable person.
- Exceptions to the prohibition against disclosing information
14. (1) The Chief Executive Officer may authorize the disclosure of the following information –
- (a) information relating to a person, other than a person providing services as a carrier or a public utility, in respect of which disclosure

is consented to in writing by the person;

- (b) information relating to any carrier or public utility;
- (c) information in the form of an index or list of individuals, firms, partnerships, associations, unincorporated bodies, companies or corporations showing any, some or all of the following in relation to them:
 - (i) their names, addresses and telephone numbers at which they may be reached in relation to statistical matters,
 - (ii) the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business,
 - (iii) whether they are within specific ranges of numbers of employees or persons engaged by them or constituting their work force;
- (d) information relating to any hospital, mental institution, library, educational institution, welfare institution, or similar non-commercial institution, except particulars arranged in such a manner that it is possible to relate the particulars to any individual patient, inmate or other person in the care of any such institution;
- (e) information available to the public under any other law;
- (f) anonymised microdata for the purpose of research;
- (g) information for the purposes of a prosecution under this Act.

(2) In this section –

“carrier” means any person or association of persons that owns, operates or manages an entity that carries, or moves, persons or commodities by any form of land, sea or air transport; and

“public utility” means any person or association of persons that owns, operates, or manages an entity –

- (a) for the supply of petroleum or petroleum products by pipeline;
- (b) for the supply, transmission or distribution of electricity, gas or water;
- (c) for the collection and disposal of garbage or sewage, or for the control of pollution;

(d) for the transmission, emission, reception or conveyance of information by any telecommunication system; or

(e) for the provision of postal services.

Offences and penalties

15. Any person who

- (a) hinders or obstructs the Chief Executive Officer or any person acting under his authority in the execution of any power conferred by this Act,
- (b) refuses or neglects to furnish any information or to supply any particulars in any form, schedule or other document that he is required to furnish or supply under this Act,
- (c) knowingly or recklessly furnishes information or supplies any particulars that he is required to furnish or supply under this Act which is false or misleading in any material particular,
- (d) without lawful authority destroys, defaces or mutilates any form, schedule or other document containing information or particulars collected under this Act,
- (e) being a person employed for any of the purposes of this Act, without lawful authority publishes or in any manner communicates to any other person, other than in the ordinary course of his employment, any information acquired by him in the course of such employment, or
- (f) having possession of any information which to his knowledge has been disclosed in contravention of this Act, makes use of or publishes or in any manner communicates that information to any other person,

is guilty of an offence and is liable on conviction by a court of summary jurisdiction to a fine not exceeding a prescribed sum or a term of imprisonment not exceeding two years.

Power to amend the First Schedule, prescribe maximum fine and make regulations

16. The Minister may, after consultation with the Board, –

- (a) by Order add to, vary or amend the First Schedule.
- (b) by Order prescribe the maximum fine for offences under section 15 of the Act.
- (c) make regulations for the better carrying out of the provisions of the Act.

FIRST SCHEDULE

(Section 2)

Domain 1: Demographic and Social Statistics

- 1.1 Population
- 1.2 Migration and Citizenship
- 1.3 Families and Households
- 1.4 Labour and Time Use
- 1.5 Education
- 1.6 Health
- 1.7 Income and consumption
- 1.8 Social protection
- 1.9 Human settlements and housing
- 1.10 Justice and crime
- 1.11 Culture
- 1.12 Political and other community activities

Domain 2: Economic Statistics

- 2.1 Macroeconomic statistics
- 2.2 Economic accounts
- 2.3 Business statistics
- 2.4 Sectoral statistics
 - 2.4.1 Agriculture, forestry and fisheries
 - 2.4.2 Energy
 - 2.4.3 Mining, manufacturing and construction
 - 2.4.4 Transport
 - 2.4.5 Tourism
 - 2.4.6 Banking, insurance and financial statistics
 - 2.4.7 Creative Industries Statistics
- 2.5 Government finance, fiscal and public sector statistics
- 2.6 International trade and balance of payments
- 2.7 Prices
- 2.8 Labour cost
- 2.9 Science, technology and innovation

Domain 3: Environment and Multi-domain Statistics

- 3.1 Environment
- 3.2 Regional and small area statistics
- 3.3 Multi-domain statistics and indicators
 - 3.3.1 Living conditions, poverty and cross-cutting social issues
 - 3.3.2 Gender and special population groups
 - 3.3.3 Information society

- 3.3.4 Globalisation
- 3.3.5 Indicators related to the Millennium Development Goals
- 3.3.6 Sustainable development
- 3.3.7 Entrepreneurship
- 3.4 Yearbooks and similar compendia

Domain 4: Methodology of data collection, processing, dissemination and analysis

- 4.1 Metadata
- 4.2 Classifications
- 4.3 Data sources
 - 4.3.1 Population and housing censuses; registers of population, dwellings and buildings
 - 4.3.2 Business and agricultural censuses and registers
 - 4.3.3 Household surveys
 - 4.3.4 Business and agricultural surveys
 - 4.3.5 Other administrative sources
- 4.4 Data editing and data linkage
- 4.5 Dissemination, data warehousing
- 4.6 Statistical confidentiality and disclosure protection
- 4.7 Data analysis

Domain 5: Strategic and managerial issues of official statistics

- 5.1 Institutional frameworks and principles; role and organization of official statistics
- 5.2 Statistical programmes; coordination within statistical systems
- 5.3 Quality frameworks and measurement of performance of statistical systems and offices
- 5.4 Management and development of human resources
- 5.5 Management and development of technological resources (including standards for electronic data exchange and data sharing)
- 5.6 Coordination of international statistical work
- 5.7 Technical cooperation and capacity building

SECOND SCHEDULE

(Section 12)

I do solemnly swear (or affirm) that I will faithfully and honestly fulfill my duties as an employee of the National Statistical Institute in conformity with the requirements of the Statistics Act, [Year] and all rules and instructions thereunder and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment.

Sworn/affirmed at

Signature of Declarant:

Before me,

Date:

Passed in the House of Representatives this day of ,20xx.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 20xx.

Clerk of the Senate

I confirm the above.

President of the Senate