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## Statistical Legislation: Toward a More General Framework

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**IMF Working Paper**

Statistics Department

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**Abstract**

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The paper outlines a general framework for statistical legislation. The implications of statistical legislation for the whole statistical system, as well as for centralized versus decentralized statistical systems, are addressed. The general framework is spelled out by identifying “essential” components of statistical legislation. The paper illustrates how these components can be applied to different country situations, and it draws attention to a number of additional topics for discussion and areas for future study in statistical legislation. It also brings together summary descriptions of the statistical legislation of a large number of countries that underlie the derivation of the essential components. It thus provides a reference for countries considering new or revised statistical legislation.

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## I. INTRODUCTION

In its technical assistance work, the IMF's Statistics Department has found that strong statistical legislation is a fundamental prerequisite for an effective statistical system.<sup>2</sup> A strong legal base is also central to protection of confidentiality and the assurance of impartiality and objectivity.<sup>3</sup> In very poor countries, the role of statistical legislation in the production and dissemination of official statistics is particularly critical. Their lack of resources typically leads to inferior quality of statistics, which lowers the status and image of the statistical agencies, which, in turn, leads to continuing insufficient budgetary resources because the agencies are seen as ineffective. Strengthening legislation is an important way to break this vicious circle and raise the status of official statistics.<sup>4,5</sup>

In the continuing effort to guide countries in preparing effective statistical legislation, the United Nations Statistics Division (UNSD) prepared the *Model of a Statistics Act* (Model Act) (UN, 2001). The Model Act, however, focuses on the role and responsibilities of the central statistical office illustrating issues that are commonly addressed in statistical legislation, and those that are 'optional' in the sense of being country-specific and not applicable in all situations. The purpose of this paper is to go a step further. We present a more general framework for statistical legislation—a framework for the whole statistical system: a framework for statistics-producing agencies, such as the central bank and finance ministry, as well as the central statistical office. The framework is also applicable to a wide range of countries whose statistical systems are characterized by varying degrees of centralization.

The framework is set out by distilling from the statistical legislation of a range of countries key elements that are, in our view, essential for all statistical legislation and, as well, are consistent with the UN's *Fundamental Principles of Official Statistics*, the Model Act, and

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<sup>2</sup> For example, Thomas Morrison's paper (2001) shows that, in countries receiving technical assistance in statistics from the IMF, inadequate legislation is often a major reason for lack of clarity concerning responsibilities for statistics, poor response to surveys, lack of a coordinating forum for statistical agencies, and inadequate authority for the statistical agency to implement the statistical program. All of these are key obstacles to producing adequate macroeconomic statistics.

<sup>3</sup> Consultative Seminar on Governance of National Statistical Systems (2002).

<sup>4</sup> In particular, if legislation can set priorities through an advisory body to cope with inadequate budgets.

<sup>5</sup> In this paper, the term "law" and "legislation" are used generically to cover decrees, acts, charters, ordinances, regulations, and any legal documents regulating statistical agencies and the statistical system in general.

the IMF's experience in statistics as embodied in the *Data Quality Assessment Framework* (DQAF).<sup>6</sup> The attraction of this approach is that, in providing the conceptual basis for statistical legislation, its sphere of application is enlarged to cover a wide spectrum of countries. In particular, countries that seek guidance in preparing new statistical legislation could start from the key elements and build these up with institutional, procedural, and administrative details reflecting the structure and size of their governments, the kind of administrative arrangements in force, and legislative and administrative conventions, which are often long established and deeply entrenched. We distinguish between the legislative requirements of centralized and decentralized statistical systems to take account of the fact that the level of centralization of the statistical system is the overarching contextual feature affecting statistical legislation.<sup>7,8</sup> This distinction should enable countries seeking guidance in statistical legislation to focus more sharply on those practices that are most appropriate to the degree of centralization of their statistical systems.

In addition, we provide summary descriptions of the statistical legislation of a long list of countries that are useful reference material for countries considering new or revised statistical legislation.<sup>9</sup> We also draw attention to a number of additional topics that could be considered for discussion, and areas for future study in statistical legislation, including the coverage of official statistics, statistical standards, access to official data, and the role of private producers of statistics.

We start in Section II by reviewing the statistical legislative experiences of a number of countries to motivate the derivation of the key elements. This review is followed by the

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<sup>6</sup> For details, see the IMF's Data Quality Reference Site: <http://dsbb.imf.org/dqrsindex.htm>.

<sup>7</sup> The United Nations (UN, 1977) takes the approach – similar to ours – that the basis of the differences emerging from different country experiences can be viewed as involving varying degrees of centralization of the statistical system.

<sup>8</sup> Even the key elements may differ in terms of their institutional, political, and procedural details to the extent that the statistical institutions reflect the way in which government business is done. For example, in Germany, where power is shared between the federal government and the *Länder*, the statistical system is split within the geographical tiers of government. Similarly, in India, there are separate statistical offices in the different ministries and at each provincial level.

<sup>9</sup> The list of countries includes those participating in the IMF's General Data Dissemination System (GDDS) and those for which the data modules of the *Reports on the Observance of Standards and Codes* (ROSCs) are posted on the IMF's website ([http://dsbb.imf.org/dqrs\\_rosocs.htm](http://dsbb.imf.org/dqrs_rosocs.htm)). More summaries of legislation are provided by the United Nations (<http://unstats.un.org/unsd/goodprac/default.asp>) and by the Statistical Division of the UN/ECE (<http://www.unecce.org/stats/handbook/handbook.main.htm>)

discussion of five key elements of statistical legislation in Section III. We illustrate how these key elements can be applied to different country situations by giving examples that are derived from current statistical laws. The examples are classified by key elements and, where appropriate, by type of statistical systems: centralized or decentralized. Since certain elements have equal relevance for centralized and decentralized statistical systems, they are shown accordingly. We proceed in the final section (IV) to set out a number of additional topics in statistical legislation for further discussion and future study.

## II. CURRENT COUNTRY PRACTICES

From the summary descriptions in Appendix I and other reference material (see footnote 8) it is evident that a variety of statistical legislation exists among countries depending mainly on whether a country is in transition, developing, or developed. The legal basis for the government statistical system is usually contained in a general statistical law or series of laws covering the individual compiling agencies (e.g., the central statistical office and the central bank). Relatively few enabling acts of ministries of finance mention statistics as part of their functions, and even fewer see publishing statistics as part of their job.

The transition countries, with their recent history of independence, have the advantage of up-to-date statistical legislation. In these countries, the legislation is less than ten years old, and in half of them the legislation was adopted less than five years ago. New statistical legislation was required as the statistical systems underwent fundamental changes required by the transition for centrally planned to market-based economies. The availability of technical assistance from international agencies put them in a favorable position to adopt and effectively implement strong statistical legislation. In almost all these countries, the banking laws support the statistical activity of the central banks. However, government finance statistics are disseminated mainly by the central statistical agency. Key features of the legislation of transition countries are: clear listing of the functions of the statistical agencies, strong centralized statistical system, mandatory reporting by respondents, protection for the confidentiality of the individual data, professional independence, and coordination. The multi-year program of statistical activities has legal status in several countries and is a useful tool for coordination.

For example, in the Kyrgyz Republic, the statistical legislation guarantees the independence of the National Statistics Committee (NSC). The head of the NSC is appointed by and reports to the president of the country, and reports to him any interference by government officials in the statistical system. In Latvia, the statistical system is functionally centralized. The Central Statistical Bureau (CSB) performs two-thirds of statistical work but is territorially decentralized (the ratio of regional staff to the total statistical staff is 0.52). Although the CSB is supervised administratively by the Ministry of Economy, it is professionally independent.<sup>10</sup>

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<sup>10</sup> Zigure (2002).

In other developing countries, probably the most important differences in statistical legislation arise from the vintage of the legislation. Differences also arise because of varying forms of government, the kind of administrative arrangements in force, and legislative and administrative conventions. Almost a third of the countries in Appendix I have statistical legislation dating back over thirty years, which have become outdated in view of the recent developments. For example, the increasing emphasis on globalization places new demands on statistical legislation by confronting countries with substantially changed information needs that require greater comparability among countries and consistency between statistical areas. The new emphasis on transparency stimulated by the financial crises of the 1990s and the consequent greater demand for high-quality statistics has made the scope of official statistics much broader than the traditional focus on the central statistical agency. As a result, the statistical legislation has to be looked at in a more comprehensive way than was traditionally done in the past. It has to deal with issues beyond the purview of the country's central statistical agency to cover the whole statistical infrastructure of a country.

In countries where the legislation has been updated, there are other problems. For example, the new statistical legislation of Oman has several strong features, such as the mandatory reporting of the data and the strong coordination role of the Consultative Committee for Statistics, which is important in a decentralized statistical system. However, problems of coordination persist, as evident in the use of non-standard concepts, classifications, and the duplication of statistical work.<sup>11</sup> In South Africa, similar problems are present despite the new statistical legislation of 1999 that elevated the statistical office to the status of government department. The overarching framework for policy implementation is absent. However, efforts are being made to implement the concept of the national statistical system through joint work between the statistical office and other government departments.<sup>12</sup>

In developed countries there is strong legal support for mandatory reporting of the data, professional independence of the statistical agencies, protection of the confidentiality of the reported data, and for coordination of the statistical activities. For example, in Sweden, the legislation forbids the use of confidential data even in litigation except in the cases relating to the breach of statistical law. Rules and regulations aimed at avoiding disclosure of confidential data include penalties against the staff who disclose such data. Computer files are safeguarded against the exposure of confidential data, and confidentiality of the data is appropriately guarded during the process of their destruction. Similar provisions in the banking legislation protects the confidentiality of the banking statistics. Similarly, in Australia, the Australian Bureau of Statistics (ABS) has strong legal basis and support from Parliament. The Chief Statistician has significant devolved responsibility for personal and

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<sup>11</sup> Al-Harbi (2002).

<sup>12</sup> Lehohla (2002).



financial management; the Advisory Council provides guidance on proper coordination of statistical activities, and on establishing priorities and programs.<sup>13</sup>

The Statistics Act of Canada provides for full access by Statistics Canada – the national statistical office -- to all records maintained by government, businesses, institutions and individuals, including income-tax records. It also requires mandatory response by all organizations or persons to surveys conducted by the office, unless the survey is specifically designated by the appropriate authority (the minister in charge) as voluntary. The Statistics Act provides protection of the confidentiality of identifiable individual returns and it penalizes employees who violate these provisions. Returns made under the Statistics Act are privileged information, and, as such, may not be used in legal proceedings.

In the United States, several executive departments in the Federal government have agencies within them that compile and publish statistics.<sup>14</sup> In addition, there are around 60 other Federal agencies that collect and publish statistics for general use or conduct statistical surveys and studies to support their research, program evaluation, or administrative functions. The Office of Management and Budget (OMB) is responsible for oversight, coordination, and policy direction of Federal statistical activities. It provides guidelines on dissemination of information and on statistical standards. Under the Paperwork Reduction Act, the OMB also reviews proposed data collections to ensure that they are designed efficiently. The Freedom of Information Act requires Federal agencies to disclose statistical information unless it is exempted from disclosure requirements (that is, it is collected under a statute that prohibits disclosure, such as the Census Code, or it qualifies as a ‘trade secret and commercial or financial information obtained from a person and privileged or confidential’). The statistical agencies collect information under statutes prohibiting disclosure of the records that vary in the extent to which they permit inter-agency coordination of statistical activities.<sup>15</sup> For example, the data collected by the Department of Agriculture may be used for statistical purposes by other agencies. However, the information collected by the Bureau of Census is accessible only to employees of the Bureau of Census. Wrongful disclosure of such information may lead to a fine not exceeding US\$5,000 or imprisonment for not more than 5 years, or both. The response to economic censuses and business surveys is mandatory, but several household and economic surveys are conducted without mandatory reporting authority.

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<sup>13</sup> Trewin (2002).

<sup>14</sup> For example, the National Agricultural Statistics Service and Economic Research Service in the Department of Agriculture, the Bureau of Economic Analysis and Bureau of the Census in the Department of Commerce.

<sup>15</sup> The National Research Council (Committee on National Statistics) has prepared *Principles and Practices for a Federal Statistical Agency* -- statements of best practice -- as guidelines for statistical agencies (National Research Council, 1992).

It should be emphasized that statistical legislation can only be as effective as the degree to which it is implemented. A common finding in IMF technical assistance reports is that the statistical legislation that exists is not being implemented, such as with respect to the assessment of penalties for nonresponse to requests for statistical information or the regular convening of coordinating bodies. In some countries the nominal authority provided in the legislation over the statistical system is not reinforced by clear procedures in order to implement this authority. For example, in Albania the central statistical agency INSTAT has nominal authority over the statistical system but the decision making process is unclear. Although the Statistics Council is mandated by legislation to play the lead role in statistical development and planning, it is unable to assert its lead role and works only as an advisory body.<sup>16</sup> Sub-decrees to the legislation or codes of practice can be useful in detailing more detailed procedures that facilitate implementation of the principles set out in the law.

In several countries, the authority granted by the legislation is not backed by adequate budgetary resources to implement it effectively and for the statistical office to produce sufficiently high-quality statistics to merit the confidence and respect from users, leading to problems of poor response and cooperation. For example, because of resource constraints, the Central Bureau of Statistics of Sudan (CBS) has little effective control over statistics produced by other data producing agencies despite its authority to coordinate statistical activities in the country. The integrity and credibility of the CBS is likewise undermined mainly because of the resource problem.<sup>17</sup>

In other countries, the overall judicial system is weak and judicial reform is necessary before any legislation can be adequately enforced. For example, in Jamaica the recent amendment to the Statistics Act of 1984 raised the status of the Statistics Institute (SI) and made it the focal point for development and integration of the statistical system. However, because of resource constraints, statistical processes still need improvement; the SI does not have high recognition or acceptance within the government, and the lack of credibility is translated into poor response by the public to data collections.<sup>18</sup>

### III. KEY ELEMENTS OF STATISTICAL LEGISLATION

The development of an adequate body of statistics requires that the general policy of the government with regard to the key statistical activities -- collection, compilation, dissemination, and interpretation of statistical information -- for all statistics-producing

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<sup>16</sup> Cani (2002).

<sup>17</sup> Hassan (200)

<sup>18</sup> Jackson (2002).

agencies be embodied in legislation. As the discussion in the previous section shows, such legislation should, at a minimum, do the following:

- (i) list the functions of the statistical system, including the dissemination and publication of statistics as required for economic and social policymaking and to satisfy the essential requirements of domestic and international users;
- (ii) provide the legal power to collect information;
- (iii) establish the professional independence of the statistical system from political intervention;
- (iv) ensure the confidentiality of information provided by individual entities; and
- (v) provide for the coordination of statistical activities.

Following are descriptions of the five key elements of statistical legislation for the whole statistical system identified above. Also listed are practices that are not essential, but can be useful in supporting the key elements in individual country circumstances.

### **1. Functions of statistical system**

Statistical legislation should include a broad and encompassing statement of the functions of the statistical agencies.<sup>19</sup> Such functions should include the collection, processing, analysis, dissemination, and publication of statistical information on social, demographic, economic, and financial activities, as well as the coordination and integration of the statistical activities of all organs of the government in accordance with recognized technical statistical standards. In addition, it is useful to include a statement holding the central statistical agency responsible for the development and periodic updating of a statistical program, covering the needs of government and other users.

### **2. Power to collect statistical information**

Statistical legislation must endow statistical agencies with the legal power to collect all data required to fulfill their purposes.<sup>20</sup> The power to collect data must extend from full enumeration censuses to sample surveys and should include the power to ask for information on a voluntary basis as well as the power to require the provision of information. In cases of noncompliance, the law should provide not only for penalties against the offender but also for the power to use administrative data sources and to inspect books and records, premises, and stocks in order to obtain the required information.

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<sup>19</sup> This is reflected in the first UN Principle (see Appendix II) and in the Model Act, which refers to ‘duties’ of the statistics bureau.

<sup>20</sup> This is reflected in UN Principle 5 and in the IMF’s DQAF (Prerequisites).

It should be noted that, although the power to collect information needs to be included in the law, statistical agencies rely heavily on goodwill to obtain information, and an agency that cannot generate goodwill is unlikely to be able to fulfill its objectives even if it is armed with legal power. Goodwill can be cultivated by reasonable and clear data collection procedures, such as the design of survey questionnaires that are concise and easily understandable, providing respondents with data upon request, informing them of measures to limit respondent burden and raising their awareness of the importance of good quality statistics.

### **3. Professional independence of statistical system**

Since the statistical agencies are financed mainly by government budgetary resources, legislation is required to protect its professional independence. Statistical legislation should endow the statistical agencies with a sufficient degree of autonomy in order to ensure the credibility of the statistical agencies and the official statistics they produce.<sup>21</sup> For countries that are not prepared to grant full independence to statistical agencies, professional independence can still be enhanced by wording in the legislation that provides for professional and technical autonomy in operational procedures, by adherence to international standards and best practices in a transparent manner, and by public dissemination of metadata and descriptions of procedures.

### **4. Confidentiality of data**

Statistical legislation should endow statistical agencies with the legal power to protect the confidentiality of individual responses. This is crucial to the building and maintenance of goodwill toward the agencies and confidence in the whole statistical system, without which a statistical system cannot function effectively. Maintaining confidentiality precludes the use of individual data for administrative, regulatory, or enforcement purposes, except in cases where a respondent has consented to its release. To enhance the integrity of the statistical system, it is useful in statistical inquiries to inform respondents of their rights and obligations with regard to the provision of information, as well that the information they provide will be used only for statistical purposes.

### **5. Coordination in statistical organization**

Statistical legislation should provide for inter-agency coordination in the statistical system and either assign clear responsibilities in specific areas of statistics to statistical agencies or establish a process to make such arrangements. Even in the most centralized statistical system, agencies other than the principal statistical agency (such as the central bank or the ministry of finance) will of necessity be involved in the compilation of statistics and thus require that the principal statistical agency play a coordinating role. The relationship of the

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<sup>21</sup> This follows from the 'Integrity' dimension of the IMF's DQAF.

central statistical agency with other important statistics-producing agencies should be defined specifically or specific dispositions should be made for the establishment of that relationship.<sup>22</sup> In some countries, the coordinating role may be limited to voluntary coordination without control. This is a matter for careful judgment on the part of the authorities.

In general, there are major challenges to apply the first seven UN Principles in central banks and statistics-producing agencies other than the central statistical office. For example, relatively few central banks and ministries of finance view statistics and the dissemination of statistics as part of their key functions or statutory provisions, and documentation of sources and methods of statistical compilation is a rare practice outside central statistical offices. Some examples do exist, however, in central bank laws of provisions for the authority to collect monetary and balance of payments data.

In addition to statistical legislation as such, operational mechanisms are needed to implement inter-agency cooperation and coordination and to promote and ensure intersectoral consistency of data. Inconsistency of data among agencies and across sectors is still a common problem in many countries to which the IMF provides technical assistance.

## 6. Selected examples

The following table illustrates applications of the key elements to different situations and institutional arrangements.<sup>23</sup> It is shown, for example, that certain key elements have equal relevance for centralized and decentralized statistical systems. These stem from the overriding objective of providing to the users high quality statistics, which is the same for centralized and decentralized systems. On the other hand, the legislation is different with respect to the coordination element for centralized versus decentralized statistical systems, and should be addressed appropriately.

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<sup>22</sup> This follows from UN Principle 8 of official statistics and the IMF's DQAF (Prerequisites).

<sup>23</sup> Although the table is derived from current statistical laws the text has been modified to preserve consistency.

TABLE 1. EXAMPLES OF THE KEY ELEMENTS OF STATISTICAL LEGISLATION

	<b>Selected sections of laws/principles</b>	
<p><b>Key elements:</b></p> <p><b>Functions</b></p>	<p><i>Centralized systems:</i></p> <p>The main tasks of official statistics are to: (1) establish, on the basis of international methodological principles, a uniform system of statistical information on economic, demographic and social phenomena and processes in society, and on the environment; (2) compile and analyze the collected statistical information; (3) provide the parliament, state and local government institutions and the public at large with statistical information necessary for decision making and stimulating research projects and the exchange of views.</p>	<p><i>Decentralized systems:</i></p> <p>The Federal Statistical Office is an independent superior federal authority... Its main tasks are the following: (1) prepare and further develop statistics for federal purposes in consultation with the statistical offices of the federating states; (2) to see that the collection and processing programs of federal statistics are uniformly carried out by the federating states; (3) carry out follow-up processing for federal purposes and special processing where this processing work is not performed by the statistics offices of the federating states; (4) to see that the statistics produced by the federating states are reconciled with each other materially, temporally and spatially; and (5) operate the Statistical Information System of the Federation and coordinate the data banks of other federal agencies and federating states.</p>
<p><b>Power to collect data</b></p>	<p><i>Centralized/decentralized systems:</i></p> <p>(1) Any person to whom a schedule relating to a report form is delivered shall complete it or cause it to be completed to the best of his knowledge in the manner and within the time indicated in the report form and shall thereafter return it in the manner and within the time specified therein.</p> <p>(2) Where reasonable grounds exist for believing that any specified person has withheld or incorrectly given any information in his possession which, in the opinion of the head of the statistical agency is required for the purpose of the completion by such specified person of any report form, and the Commissioner so directs, a census officer may, at any reasonable time and on production of adequate proof of authority for examination by any person requiring evidence of his identity, enter any premises occupied by such specified person and may therein- (a) deliver or collect any schedule or make any inquiries necessary for the completion or checking thereof; (b) inspect, extract information from or make copies of any document for the purpose of completing any schedule; (c) check any information obtained or obtain any further information required in respect of any statistical inquiry; and may, in the light of any information so obtained, complete any schedule or add to or delete from any schedule any name or particular or otherwise correct any material particular therein.</p> <p>Ministries and other state or local government institutions that are involved in official statistics shall submit information to the Central Statistical Agency in line with the state statistical information program</p>	

<p><b>Independence</b></p>	<p><i>Centralized systems:</i></p> <p>The Central Statistical Agency is responsible for carrying out statistical research for practical, policy and research purposes and for publishing statistics compiled on the basis of such research. The head of the Agency shall prepare multi annual and annual programs which shall lay out the activities that Agency will carry out as far as the available resources allow. The head of the agency shall decide on the methods and procedures for carrying out these programs and for disseminating the results.</p>	<p><i>Decentralized systems (from National Research Council (2001):</i></p> <p>A statistical agency must be distinct from the enforcement and policy-making activities carried out by the department in which it is located. To be credible, a statistical agency must clearly be impartial. It must avoid even the appearance that its collection and reporting of data might be manipulated for political purposes or that individually identifiable data might be turned over for administrative, regulatory, or enforcement purposes. Independence of the agency head and recognition that he or she should be professionally qualified. Appointment by the President with approval by the Senate, for a specific term not coincident with that of the administration, strengthens the independence of an agency head. Direct access to the or head of the independent agency in which the statistical agency is located is important. Statistical agencies should have broad authority, limited by budgetary restraints, departmental pressures, Office of Management and Budget review, and congressional mandates. Primary authority for selection and promotion of professional staff. Recognition by policy officials outside the statistical agency of its authority to release statistical information without prior clearance. Authority for statistical agency heads and qualified staff to speak on the agency's statistical program before Congress, with congressional staff, and before public bodies. Adherence to predetermined schedules in public release of important economic or other indicator data to prevent manipulation of release dates for political purposes. Maintenance of a clear distinction between the release of statistical information and the policy interpretations of such statements by the secretary of the department, the President, or others.</p>
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<p><b>Confidentiality</b></p>	<p><i>Centralized/decentralized systems:</i></p> <p>Any person who publishes or shows to any person otherwise than in the performance of statistical duties (a) any schedule or other document or part thereof completed or any return or part thereof made for any of the purposes of this Ordinance; (b) any answer given to any question put for any of the purposes of this Ordinance; or (c) any particulars obtained in the course of any statistical inquiry which enable identification of an individual or undertaking, commits an offence.</p> <p>Nothing in this section shall be taken to prohibit- a) the publication by the head of the statistical agency of any statistical information in the form of abstracts, printed publications, press releases or otherwise as he may deem fit: Provided that in compiling any report, summary or communication to the public of information obtained under this Ordinance, the head of the agency shall so arrange it as to prevent any particulars published therein from being identified as particulars relating to any particular individual or undertaking except with the previous consent in writing of the individual or, as the case may be, of the person carrying on the undertaking; and the production of such evidence as may be necessary for the purpose of any proceedings instituted for an offence against this Ordinance.</p> <p>The head of the agency shall not be required to disclose any information obtained in the course of or as a result of any statistical inquiry to or for inspection by or for the use of any other authority for the purpose of or in connection with the investigation of crime or the assessment or levying of any tax. No census officer nor any other person shall be required in any civil or criminal proceedings whatsoever to give in evidence any information relating to particulars concerning any person, institution or undertaking obtained by him in the course of and as a result of his connection with any statistical inquiry or with the preparation of any schedule, return, abstract, report or other document compiled in connection with such inquiry; and no schedule completed or return made, nor any abstract, report or other document which contains particulars relating to any individual, institution or undertaking obtained in the course of and as a result of any statistical inquiry, shall be admissible in evidence in any such proceedings: Provided that nothing in this section shall be taken to prohibit the production of such evidence as may be necessary for the purpose of any proceedings instituted for an offence against this Ordinance.</p>	
<p><b>Coordination</b></p>	<p><i>Centralized systems:</i></p> <p>The functions of the Coordination Council are to advise the Minister and the Statistician in relation to: (a) the improvement, extension and co-ordination of statistical services provided for public purposes; (b) annual and longer term priorities and programs of work that should be adopted in relation to major aspects of the provision of those statistical services; and (c) any other matters relating generally to those statistical services. Either the Minister or the head of the statistical agency, or both of them, may refer matters of this kind to the Council for the purpose of seeking the advice of the Council in relation to those matters.</p>	<p><i>Decentralized systems:</i></p> <p>The Chief Statistician shall be the national statistical coordinator whose duties shall be — (a) to co-ordinate statistical activities in Government departments, Ministries, research and statistics units and statutory bodies; (b) to advise Government departments, Ministries, research and statistics units and statutory bodies in the gathering, compiling, analysis and utilization of statistics; (c) to develop national statistical standards and standardize definitions, classifications, terms, procedures and concepts for use in statistical activities; and</p>



		(d) to promote the observance of approved national statistical standards by Government departments, Ministries, research and statistics units and statutory bodies.
<b>Dissemination</b>	<p><i>Centralized/decentralized systems:</i></p> <p>Through publications and mass media, the Central Statistical Agency and other state or local government institutions, within the fields of their responsibility, shall regularly inform the public at large about the economic, demographic and social developments and processes in the country as well as on environment-related issues.</p> <p>The requirements of this law and other norms that lay down the protection of statistical information shall be followed when publishing statistical information</p>	

#### IV. ADDITIONAL TOPICS

We consider here some additional topics that, although not considered as key elements, are often relevant to individual country situations. Some of these topics still require further research to work toward a consensus on best practices.

##### 1. Coverage of official statistics

The coverage (subject matter) of official statistics, as defined or identified in statistical legislation, varies widely. In addition, some statistics cannot be identified enough in advance to be included in legislation, so the legislation should at least specify the decision-making process, that is, the extent to which the official organization itself can decide on what outputs should be produced.

##### 2. Statistical standards

While statistical legislation should probably not spell out specific compilation procedures, once a decision has been made to produce a particular set of statistics, the legislation should have a general provision that internationally accepted methodology and standards should be used as the basis for compiling the statistics. Such a provision would be an important complement to the provision for independence of the statistical office to ensure the integrity of the data. It could also ensure a basic essential coverage of statistics, related to the point of the previous paragraph.

##### 3. Charging for official statistics

Since statistical information is regarded as a “public good,” it is often funded by budgetary appropriation and is not charged for as a commercial service. In many countries, however, businesses and other organizations without charge use official data that has clear commercial value for them, so the provision of data to these users can be seen as a selective public subsidy. It is an issue whether a distinction should be made between the public-good and non-public-good services of official statistical organizations, and whether statistical

legislation should endeavor to establish some selective charging arrangements. A related issue is whether any revenues generated should be dedicated for the use of the statistical agencies themselves or go to the central treasury.

#### **4. User consultation**

Consultation by producers of official statistics with the users has become increasingly important to ensure the relevance of statistics as a matter of good governance. Consultative mechanisms range from general statistical advisory councils to periodic formal meetings with users of official statistics, to formal surveys of these users. Statistical legislation may make provisions for formalizing such arrangements.

#### **5. New issues for access to official data**

Statistical legislation needs to be formulated in a manner that balances access to government data and confidentiality guarantees. In some countries, pressures exist to relax some features of confidentiality in order to increase the utility of official statistics. For instance, should the usual guarantee that the predominant activity of a private company not be disclosed be relaxed, on the grounds that this is already public knowledge? Alternatively, what are the ways in which micro data may be made available to users without breaking confidentiality rules?

#### **6. Role of private producers of statistics**

Given the increasing role of private producers of statistics, such as in developing data on securities, it may be useful to address the legislative aspects of such developments, as well as provide guidance concerning their role in the statistical system and relation with official statistics.

#### **7. Treatment of central statistical office versus system as a whole**

In principle the key elements of statistical legislation should apply not only to the central statistical agency but also to statistics-producing units within other agencies and ministries. In practice it is often a challenge to provide this broader coverage, notwithstanding the fact that in many cases the statistics produced by the central statistics agency may account for only a part of total official statistics. For example, it is not uncommon to find that the final compilation of national accounts or price statistics is done by the central bank or finance ministry, with the central statistical office only providing the source data. Ensuring the integrity and professional independence of statistics produced by a line ministry is a greater challenge for statistical legislation than for statistics produced by a central statistical agency.

**APPENDIX I. SUMMARY DESCRIPTIONS OF STATISTICAL LEGISLATIONS<sup>24</sup>****1. Albania**

The **national statistical agency** of Albania (INSTAT) operates according to the National Assembly Law of Statistics No. 7687, dated March 16, 1993, and Decision No. 97 of the Council of Ministers, On Organization and Functioning of the Albanian Institute of Statistics, dated March 15, 1994. Under the provisions of the law, INSTAT is required to collect, process, and publish statistical results, in compliance with the National Statistical Program and in accordance with international standards. By law, all statistical information collected by INSTAT is confidential and can only be used or published in aggregated form and on an anonymous basis. Staff are subject to fines and other administrative sanctions if confidential data are revealed. Individual data cannot be used for purposes of fiscal control or judicial investigation. The Law of Statistics requires mandatory reporting of the data to INSTAT by all institutions of the public sector (general government and public enterprises) as well as private enterprises with 10 or more employees.

The **Ministry of Finance** is responsible for compiling and disseminating data for central government operations and central government external debt. The Budget Law of July 29, 1998 authorizes the Minister of Finance to specify accounting procedures and reporting requirements for government institutions. It also requires the Minister of Finance to present to the Council of Ministers and the Parliament a final statement of accounts by the end of June of each year and a statement on the government debt (foreign and domestic) situation twice a year.

The **Bank of Albania** is responsible for producing and disseminating data on the financial sector and the external sector. The law "On the Bank of Albania," No. 8269 of 1997, requires (a) all banks, institutions, juridical and physical persons to deliver statistical data in accordance with the reporting system approved by the Bank of Albania; and (b) the Bank of Albania to prepare periodic analyses on economic and monetary matters, publish the outcomes and submit proposals and measures to the Government. As regards confidentiality, Bank of Albania administrators, employees, and agents are prohibited from disclosing, or transferring to a third party any information obtained during the performance of their duties, or using or allowing the use of such information for personal gain.

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<sup>24</sup> The summary descriptions have been prepared using the metadata posted on the IMF's website (<http://dsbb.imf.org>) and from the data modules of the *Reports on the Observance of Standards and Codes* (ROSCs) also posted on this website ([http://dsbb.imf.org/dqrs\\_roses.htm](http://dsbb.imf.org/dqrs_roses.htm)).

## 2. Antigua and Barbuda

The **Statistics Division** produces and disseminates data under the Statistics Act of 1971, which authorizes the ministry to conduct surveys on prices and production, and all other aspects of trade and commerce as deemed necessary. The confidentiality of individual data is guaranteed under the Act, which specifies duties, regulations, offences and penalty for violations of the provisions of the Act. Additionally, each statistical officer takes an oath of secrecy before a Magistrate. The Statistics Division has a high degree of independence in determining what, how, and when data and methodology are released, though this is not explicitly stated in the Act.

The **Ministry of Finance** compiles accounting and analytical data on central government transactions and debt for the analytical, policy, and fiscal management needs of the government. Data are compiled in accordance with the Finance Act No. 9, 1990 and the Audit Act No. 8, 1990. Data are disseminated to the public in analytical form through the Eastern Caribbean Central Bank (ECCB).

Data on the financial sector are collected by the **Eastern Caribbean Central Bank (ECCB)** under the ECCB Agreement Act, article 35, and the Banking Act. Both Acts were passed by the individual parliaments of member countries. Each member of the staff of the ECCB is required to take an oath of secrecy. The ECCB Agreement includes the following paragraphs:

(1) Every financial institution shall furnish to the Bank at such time and in such manner as the Bank may prescribe, such information and data as the bank may require for the proper discharge of its functions and responsibilities and in order to verify compliance with directions issued under Articles (sic) 33 and 34 of this Agreement the Bank may require any person who is or has been made subject thereto to open his books for inspection

(2) Without limiting the generality of paragraph (1) of this Article every financial institution shall at the request of the Bank, in relation to that financial institution's operations in the territory of a participating Government, submit to the Bank in such form as the Bank may from time to time approve - (a) not later than fourteen days after the last day of the month to which it relates, a monthly statement of assets and liabilities at the end of each month; (b) not later than fourteen days after the end of the quarter to which it relates, a quarterly return providing an analysis of customer's liabilities to the financial institution in respect of loans, advances and other assets of the financial institution at the end of each quarter; and, (c) within such period as the Bank may determine such other returns as the Bank may require.

(3) The Bank may require a financial institution to submit such further information and data relating to the statements and returns described in paragraph (2) of this Article and such further information and data shall be submitted within such period and in such manner as the bank may require.

(4) No statement, return, information or data shall be required under paragraph (1), (2) or (3) of this Article with respect to the affairs of any particular customer of a financial institution.

(5) All statements and returns submitted by a financial institution under paragraph (2) hereof and any data or information submitted by a financial institution under paragraph (1) or (2) hereof, shall be regarded by the Bank as secret; but the Bank may prepare and publish consolidated statements relating to the territories of the Participating Governments individually or collectively, aggregating the figures in the monthly or quarterly returns furnished under sub-paragraphs (sic) (a) and (b) of paragraph (2) of this Article.

(6) At the request of a participating Government, the Bank shall arrange for that Government to be supplied with a copy of any statement or return furnished by a financial institution under paragraph (2) in relation to its operation in the territory of that Government and all statements and returns so supplied shall be regarded by the Government as secret. Provided that the Bank may in writing extend the period for the furnishing of such statement and returns.

The following provisions of the Banking Act provide for regulating banking business in the ECCB territories and includes paragraph 23, containing the following provisions:

(1) The central bank may from time to time call for any information which it may require for the purposes of this Act from any financial institution about its operations and those of its affiliates in Antigua and Barbuda or from a local financial institution about its operations and those of its affiliates abroad; and,

(2) The central bank shall forward copies of balance sheets, statements and summaries of reports on the results of any inspection to the Minister and the financial institution.

### **3. Armenia**

The **National Statistical Service** (NSS) produces and disseminates data in accordance with the Law "On State Statistics," approved on April 4, 2000. In accordance with paragraph 8 of article 14 and sub-paragraph "D" of Article 16, the law guarantees confidentiality of all the primary respondents statistical information, submitted to the NSS. The dissemination of this information is only possible subject to the respondent's approval. The provision on the respondents' confidentiality applies to the NSS head office and all its the regional branches; The other legal documents that guide the NSS are the Law "On Approval of the Three-year State Statistical Work Program of the Republic of Armenia for 2001-2003" adopted by the National Assembly on March 13, 2002. The Three-year Program includes the main directions of state statistical activity in the economic, demographic, social and environmental fields of the country; The Law on "Population Census" (Article 12 and 13) enforced on October 14, 1999; and the NSS Charter, approved on August 15, 2000, by the State Board on Statistics (Chapter 5, "Obligations of the NSS"); The Resolution of the State Statistics Council (SSC) No. 53 dated June 25, 2001 entitled "On the Approval of Procedures for Preserving Statistical Confidentiality," which defines procedures for the preservation, use, and

dissemination of data classified as statistical secrets, and also regulates the rights and duties of those who participate in the dissemination of confidential statistical data; the Resolution of the SSC No. 56 dated July 23, 2001 entitled "On Approval of Procedures for the Provision of Statistical Data," which defines procedures for the provision of statistical data by legal (regardless of organizational and legal form) and natural persons within the framework of state statistical monitoring; and the Resolution of the SSC No. 60 dated August 15, 2001 entitled "On Approval of Types of Statistical Publications," which defines types of statistical publications and procedures for their organization, and regulates relations in the area of the organization of statistical publications.

The **Ministry of Finance and Economy** compiles analytical data on government operations and central government debt for the purposes of analysis and policy formulation. The data are disseminated to the public as a public service. The Budget Law specifies accounting procedures and reporting requirements for all government units. The Law requires the Minister of Finance and Economy to prepare a final statement of accounts to be presented to the Parliament before May 1 of the following year. Current monitoring of the accounts is done by the Government (as stated in the Law on Budgetary System), and the audit is carried out by the Supervisory House of the Parliament. The Law does not require the Minister to present data on government debt to Parliament, but normally the Minister presents the data on government debt together with the presentation of the semiannual report on the implementation of the state budget.

The **Central Bank of Armenia (CBA)** produces and disseminates statistics under the provision of the Law on Central Bank (article 5) and Law on Banks and Banking Activity (article 55), which empower the CBA to collect such information as it deems necessary to carry out the responsibilities entrusted to it under the Law. Additional data are produced for the analytical and policy needs of the CBA and are disseminated as a public service in a variety of publications of various periodicities. The CBA is not entitled to release data that are covered by bank secrecy (Law on Bank Secrecy of 1996 (Article 9)). The definition of bank secrecy is given in Article 4 of Law on Bank Secrecy. The officials and employees of the CBA can not release any information pertaining to bank secrecy except for cases stated in Article 28 of the Law on Central Bank.

#### **4. Azerbaijan**

The **State Statistical Committee (SSC)** produces and disseminates data in accordance with the Law on "Official Statistics" (Resolution No. 790 of the Milli Majlis of February 18, 1994). The Law requires the development of statistics according to international recommendations, and the provision of objectivity and integrity of these statistics. The law establishes the independence of the SSC in statistical matters. The head of the SSC is appointed by the President of the Republic. The Law gives the SSC statutory power to obtain data for statistical purposes from economic entities, regardless of their form of ownership, free of charge, within the established time periods in the format approved by the SSC. The law is available to the public. The Law makes the reporting of data by respondents mandatory, and guarantees the confidentiality of the individual data.

The **Ministry of Finance** compiles information in connection with its activities related to the implementation of the budget.

The **National Bank of Azerbaijan** disseminates information in compliance with Article 48 of the "Law on the National Bank" (Resolution of the Milli Majlis No. 118/IGD of June 10, 1996). The confidentiality of individual data is guaranteed by this Law, and specifically by Article 13 of the Law.

## 5. Bangladesh

There is no comprehensive statistical law governing the activities of the **Bangladesh Bureau of Statistics**. Specific laws provide for carrying out and publishing the results of the Population and Housing Census, the Census of Manufacturing Industries, and the Agricultural Census. Large scale yearly and 2-yearly surveys (Household Expenditure, Labor Force, Poverty, Agriculture) and higher periodicity surveys (prices, industrial production) are carried out and the results disseminated under government directives (rules of business). There are no regulations enforcing confidentiality of reporting, but strict confidentiality is maintained in practice.

The **Ministry of Finance** compiles and disseminates data on central government operations under the terms and conditions of the Appropriations Act of 1972 and the Additional Functions Act of 1974. External debt data are compiled by the Economic Relations Department under a ministerial order. The annual publication "Flow of External Resources into Bangladesh" is given to Parliament on the occasion of the presentation of the budget. These data are also provided to various research and academic institutions, public libraries and other interested parties upon request. This is done as a public service.

Chapter 3, Article 36 of the Bangladesh Bank Order (1972) requires that "Every scheduled bank shall send to **Bangladesh Bank** returns containing such information as may be deemed necessary for carrying out the purposes of this order". In addition, Chapter VI, Article 69 of the order states "The Research Department and Statistics Department of the Bank shall have the power, subject to rights and provisions guaranteed under other laws, to request from any natural or juridical person, as well as the government, any data or information necessary for the proper execution of its duties." Confidentiality of reported data is assured under the act by Chapter VI, Article 78. With regard to dissemination the Chapter III, Article 39 of the Bank Order states that the Bank "shall compile and publish in such a manner and at such times as the Government may direct, a consolidated statement from such information as may be received under this order."

## 6. Benin

The **National Institute of Statistics and Economic Analysis** is guided in its work by the following legal documents: Law 99-014 of January 1999 establishing, organizing, and setting the rules of procedure of the National Statistics Council; Decree No. 97-168 of April

7, 1997 approving the INSAE statutes; Decree No. 99-459 of 1/22/99 organizing the third General Population and Housing Census (RGPH 2002). Article 23 of Law 99-014 requires individuals or corporations to respond accurately to the questionnaires approved by the National Statistics Council. Articles 8 and 25 of Law 99-014 guarantee the statistical secrecy and confidentiality of the individual information collected.

Under the terms of Article 19 of the Treaty establishing the West African Economic and Monetary Union (WAEMU) and Article 69 of the Statutes of the **Central Bank**, the latter "shall produce a monthly statement of its accounts, which shall be published in the "Journal Officiel" of each of the States participating in its management. [It] shall also produce a monthly statement, for each agency, of currency in circulation, currency issued and its counterparts. "Article 70 of the Statutes provides that "A report on the changes in the Union's monetary survey and on the Central Bank's operations during each financial year shall be made to the Board of Directors and shall be submitted to the Council of Ministers of the Union and to the Heads of the States participating in the management of the Bank. "To that end, Article 24 of the Statutes of the Central Bank provides as follows: "The Central Bank shall be entitled to receive from banking and financial institutions all documents and information necessary for it to carry out its duties. It may also enter into direct relations with companies and professional groupings in order to conduct investigations necessary for its information and that of the Council of Ministers of the Union."

The data reported by banks and financial institutions are reported only as consolidated data or aggregates. Pursuant to Article 47 of the Statutes of the Central Bank, "The Governor, Vice-Governor, and all Central Bank staff shall be bound by professional secrecy subject to the penalties specified in criminal legislation.

The **Balance of Payments Committee**, established by Decree No. 220 of June 29, 1967, is responsible for compiling the balance of payments statistics. It is chaired by a representative of the Ministry of Finance and Economy and the BCEAO acts as its secretariat and takes charge of the technical aspects of compiling the balance, which is then submitted to the Committee for approval. The BCEAO data used to compile the balance of payments are collected from various sources, in particular its own units, commercial banks, the National Institute of Statistics and Economic Analysis (INSAE), ministries, and other government agencies, embassies and international organizations, industrial and commercial enterprises, nongovernmental organizations (NGOs), schools, etc. Annual data are collected essentially through questionnaires sent out once a year to the various establishments surveyed. Some 500 entities, divided into 42 groups, are covered. There is a specific type of questionnaire for each group.

## 7. Bolivia

The functions of the **National Statistics Institute** are governed by Law 14100 on the National Statistical Information System under the following Articles:



Article 5(b): The National Statistics Institute, which is the executive and technical unit of the System, is a decentralized entity with administrative and managerial autonomy, attached to the Ministry of Planning and Coordination. It is responsible for managing, planning, executing, supervising, and coordinating the statistical activities of the System.

Article 8(e): Issue technical standards applicable to the statistical activities of the institutions and agencies that make up the System, in order to standardize statistical compilation and avoid duplication of effort.

Article 15: All individuals and legal entities in Bolivia, residents and nonresidents alike, shall, by the indicated due date, submit data and information which, owing to its nature and purpose, is relevant to the activities of the System and has been requested by the National Statistics Institute.

Article 21: Data and information obtained by the System shall be strictly confidential and used only for statistical purposes. No individualized data or information may be disclosed, administrative and judicial agencies shall not request individualized information, and results may be disseminated or published only if they contain no identifying information.

Article 22: To ensure the statistical confidentiality established in the preceding article, all institutions in the System and their employees shall be prohibited from providing or supplying data in violation of the provision contained in the preceding article.

Article 25: Independently of those established in the Criminal Code and other provisions in force, the National Statistics Council shall be authorized to determine the system's internal disciplinary measures for the violations referred to in this Law and in the regulations of the System.

The functions of the **Ministry of Finance** are governed by the following laws: the Law 1178, Law on Governmental Administration and Control governs the State revenue administration and control systems and their interfaces with the national planning and public investment systems, with a view to: Programming, organizing, executing, and supervising the collection and effective and efficient use of public revenues; Providing useful, timely, and reliable information; Ensuring that all government workers, regardless of their position, assume full responsibility for their actions; Building administrative capacity to prevent or identify and verify the mismanagement of State revenues.

The Budgetary Management Law 2042 establishes the general rules governing each fiscal year's budgetary management process and applies to all public sector institutions. One of its articles mentions the requirement of submitting to the Ministry of Finance any information requested by the latter for purposes of monitoring and assessing the physical and financial execution of the institutional budget and the Annual Institutional Operations Programming in advance, as well as for monitoring and supervising debt within the periods established by the Ministry.

**The Central Bank of Bolivia (BCB)** is authorized to produce and disseminate data by the following legislation: Law 1670 requires that the Superintendency of Banks and Financial Institutions shall submit to the BCB all periodic information that it receives from banks and other financial system institutions. At the request of the President of the BCB, the Superintendent shall provide the latter with detailed information on the financial and net worth position of a given financial institution, including any inspection reports that may have been prepared concerning it. Banks and other institutions providing financial intermediation services shall forward directly to the BCB any monetary information requested by the latter and shall report on their creditor position, as well as any other information directly requested by the President of the BCB on an institution's financial position.

The Regulation on registering public and private external debt approved by BCB Board of Directors resolution 079/98 of September 1, 1998 states (Article 3) that the BCB shall be required by Law to keep a register of all external debt contracted by the Republic or guaranteed by the Bolivian government; that (Article 4) all public institutions, within 30 days of the date of signing new external debt agreements, shall forward to the Office of the BCB a copy of said agreements and/or the supporting legal documentation for any type of new indebtedness.

The Regulation on Correspondents approved by BCB Board of Directors Resolution 146/97 states: Chapter VI, Summaries and Reports, Article 17. The financial institution engaged to provide the service shall forward the following information to the BCB: (i) daily summaries of operational activity and balances of public sector accounts, including current fiscal accounts, and others on magnetic media and/or through the electronic information system, and (ii) any other information specifically requested by the BCB.

Law 1670, Article 43: The BCB shall periodically publish statistical and economic information on the economic and financial variables within its area of competence.

**Confidentiality:** The Commercial Code, in article 1307, establishes that "The banking and credit institutions will treat with strict confidentiality information about their operations and information they receive from their clients. Law 1488 of September 14, 1993, article 86, establishes that "The banking operations in general are subject to strict confidentiality. The banks cannot release individual banking information except to holders of the accounts or their legal agents. Law 1670, Article 80: The management, staff, and employees of the BCB shall treat as confidential the affairs and operations of the BCB, financial institutions and their operations, as well as any documents or reports related to the latter of which they may have knowledge as a result of performing their duties. Any manager, staff member, or employee of the BCB who uses any information which is confidential, the property of the BCB or of the financial intermediation system for his/her own benefit and to the detriment of the nation, the BCB, or third parties shall be held liable therefore. Said obligations and liability shall continue even beyond their resignation or separation from the BCB. Any manager, staff member, or employee who violates this prohibition shall be dismissed from his/her position, without prejudice to any applicable civil or criminal liability. In the event of

resignation or separation from the BCB, the penalties provided by law shall be applied.

## 8. Bulgaria

The Law on Statistics of June 10, 1999 governs the activities of the **National Statistical Institute** (NSI) as well as other statistical bodies, which are defined in the law as the units in ministries, institutions, and other bodies of public and local administration carrying out statistical activity. The NSI disseminates data under Chapter 5 of the Act that requires statistical bodies to inform the public about the results from statistical surveys through mass media, own publications, and other means.

Confidentiality of reporting is guaranteed under Chapter 6, which states that individual and personal data received may be used only for statistical purposes. Individuals data can only be provided to third parties if written permission has been received. In addition, Article 26 states that the statistics agencies and their staff cannot make public or provide: (i) individual statistical data; (ii) statistical data which may be combined in a way that leads to the identification of an individual person; and (iii) statistical data that summarize information for less than three units or in which the relative part of one unit is over 75 per cent of the total volume.

The Budget and Treasury Directorate of the **Ministry of Finance** compiles analytical data of Government operations and Central Government Debt for the analytical and policy needs of the Government. They are disseminated to the public as a public service.

Under the Law on the **Bulgarian National Bank** (the BNB Law) (1997), the BNB (i) has the right to require banks to report information, (ii) has the obligation to compile the balance of payments for Bulgaria, (iii) has the right to request information from all residents; and (iv) must maintain the information it has been entrusted with in confidence. Specifically, the BNB Law stipulates that (i) "In connection with the performance of its duties, the BNB may demand from banks to submit any documents and information, and may also carry out the requisite examinations" (art. 4.(1)); (ii) "The BNB shall compile the balance of payments of this country" (Art. 42); (iii) "For this purpose, all government and municipal authorities, as well as legal and physical persons, shall provide information to the BNB in accordance with a procedure established by the BNB" (Art. 42); and (iv) "The BNB shall not disclose or pass to third parties any information obtained which is of confidential character for banks and other participants in the money turnover and credit relations" (Art. 4.(2)).

Furthermore, the BNB Law stipulates that "The BNB shall submit to the National Assembly twice a year and publish a report which reviews and assesses the Bank's activities during the previous period" (Art. 50). The semiannual and annual reports of the BNB contain inter alia statistics the BNB publishes more frequently elsewhere.

## 9. Burkina Faso

The collection, processing, use, and dissemination of statistical information by the **National Institute of Statistics and Demography** is governed by Law 040/96/ADP of November 8, 1996. Article 4 of this law states that all individuals and legal entities are required to respond accurately and by the indicated deadline to official statistical surveys. Article 10 covers statistical secrecy and states that, subject to the provisions of the criminal code regarding the breaking of seals and the removal of documents from government warehouses, individual information appearing in any documents collected which bear the requisite stamp and concern personal and family life and, in general, facts and behaviors of a private nature, may not be disclosed by the depository departments and agencies until 100 years after the date on which the survey was conducted. Lastly, Article 12 stipulates that statistics management staff must be duly sworn in.

This same law created a National Statistics Coordination Council (CNCS), the composition, organization, and functioning of which are defined by Decree 97?371/PRES/PM/MEF of September 18, 1997. The members of the National Statistics Coordination Council were appointed by Order 98?248/MEF/SG/DG-INSD of October 30, 1998.

The functions of the National Statistics Coordination Council (CNCS) are to: enforce compliance with the obligation to respond and to maintain statistical secrecy; coordinate the collection, processing, and dissemination of numerical data; coordinate the research and surveys on economic and social topics carried out by various public and private agencies.

The CNCS is made up of thirteen permanent members and six nonpermanent members. It is chaired by the Minister to which the National Institute for Statistics and Demography reports, currently the Minister of Economy and Finance. The Minister of Territorial Administration is the vice president of the CNCS. The CNCS has a Permanent Secretariat - the National Statistics Institute. It also has stipulations for a litigation commission, specialized commissions, and a scientific committee.

The legislative basis for compiling monetary statistics is the terms of Article 19 of the Treaty establishing the West African Monetary Union and Article 69 of the Statutes of the **Central Bank** (for details see the summary for Benin above).

## 10. Cambodia

In 1995 the Royal Government of Cambodia designated the **National Institute of Statistics** (NIS) of the Ministry of Planning as the agency responsible for the CPI compilation and dissemination and, since 1996, also for the compilation and publication of national accounts aggregates. The NIS is responsible for the determination of the procedures, forms and methods employed in the production of statistics, as well as of the time for releasing the statistics (Article 25 of Sub-decree 64 SD.ES on Statistical Obligations).

The legislation for collecting, producing and disseminating statistics is provided by the Sub-

decree 64 SD.ES on Statistical Obligations, as of October 15-th 1997, which authorizes work to conduct censuses or surveys, collection of information, rights and obligations of the respondents, rights of statistics officers, confidentiality of information, publications and data dissemination, and penalties.

The presentation and classification of budget data by the **Ministry of Finance** is regulated by legislation. The following regulation governing public accounting provide descriptive information on the Treasury accounting system and the Treasury accounting statement: Prakas no. 94/009N of January 22 1994 on the system of public accounting.

The activities of the **National Bank of Cambodia (NBC)** are governed by the Law on the Organization and Conduct of the NBC, which was promulgated on January 26, 1996. Regarding statistical publication, Article 5 of the Law states that "the central bank shall publish on a regular basis its monetary policy objectives (money-credit-exchange-interest rates) and statistics, including with respect to the money supply, prices, credit, the balance of payments, and foreign exchange." In addition, Article 7 states that "The central bank shall have the following functions and duties: ...to conduct regular economic and monetary analysis, make public the results, ... to establish the balance of payments."

With regard to data collection, Article 39 states that " A bank or financial institution must furnish to the central bank such information and data as the central bank may require for the discharge of its functions and responsibilities. The central bank may publish such information and data in whole or in part in aggregate form for classes of banks and financial institutions determined in accordance with the nature of their business, whilst maintaining business confidentiality..." As regards the compilation and publication of data on the NBC, Article 56 states that "The central bank shall...prepare and publish a monthly summary statement of its activities..." Article 69 imposes penalties for failing to supply any information called for by the central bank and for supplying false or misleading information. The law is made public in Khmer, English and French, and copies can be purchased from the NBC.

## 11. Cameroon

The provisions of Law 91/023 of 1991 on statistical censuses and surveys and Decree 93/407 of 1993 (which supersedes Law 1983 on obligations and secrecy in statistics) govern the production and dissemination of data by the **Directorate of Statistics and National Accounts, Ministry of Economy and Finance (DSCN)**. These provisions give the DSCN the authority to conduct government-initiated statistical surveys and censuses, which are subject to the prior approval of the minister responsible for statistics, currently the Minister of Economy and Finance. The clauses of these provisions guarantee the confidentiality of the data collected on individuals and legal entities when government-initiated statistical surveys and censuses are carried out. A National Statistical Council, playing an essentially advisory role, was established by Decree 93/407 of 1993

The statistics on **government finance operations** are governed by the law on the government finance regime and implementation standards. This law is the basis for the budget law, which presents budget revenue and expenditure estimates.

**Balance of payments statistics** and related aggregates are compiled by the Directorate of Economic Supervision and External Finance (DCEFE) in accordance with Law 67/LF/22 (June 12, 1967), its implementation decree 67/DF/365 (August 21, 1967), amended by Decree 98/404/PM (October 22, 1998) and Instruction 243/MINEFI/DCE/6 (June 10, 1997), and subject to review and validation by the Technical Committee on the Balance of Payments. After validation, the balance of payments is disseminated in the document "Balance des paiements du Cameroun" with a lag of 12 months after the end of the reference period.

## 12. Chile

Chile's national accounts are compiled and disseminated by the **Central Bank of Chile** (BCCH). The Constitutional Organic Law of the BCCH (Law No. 18840 published in the official paper on October 10, 1989) stipulates in Article 53 that the BCCH shall compile and publish, in a timely manner, the principal macroeconomic statistics of the country, including monetary and foreign exchange statistics, balance of payments statistics, and the national accounts.

In addition, the coverage, periodicity, and timeliness of these statistics are established by Decision No. 393-07-941207 of the Central BCCH Board of Directors, published in the official paper of December 13, 1994.

The confidentiality of data reported by individual persons and entities are guaranteed under Article 66 of the Act as well as by the Code of Conduct the Staff of the Bank. The latter prohibits the staff to disseminate confidential information, i.e., any information that has not been published. Additionally, the employment contract states that, "It will be justified reason for the termination of the employment contract the non-fulfillment of the following obligation: Maintain absolute secrecy of the situations or businesses that, directly or indirectly, were connected to the Bank and that were known owing to the staff position or functions as well as keep full loyalty to the Bank." In addition, the BCCH's networked information system does provide for protected access to, and storage of, the data managed by national accounts compilers.

For statistical compilation purposes, the central bank law only gives the BCCH the authority to obtain information from public institutions. No legal provision empowers the BCCH to demand information from the private sector. Articles 39, 40, 53, and 58 of the BCCH Organic Law ensure statistical reporting to Central Bank of any transactions in foreign exchange and constitute the legal base to request information on the balance of payments to both public and private institutions.

The government finance statistics (GFS) are compiled and published by the **Ministry of Finance** under the terms and conditions of the Annual Budget Law, Decree-Law No. 1263 of 1975, and Decree with Legal Power –106 of 1960.

The Annual Budget Law requires that the Budget Directorate (Dirección de Presupuestos, DIPRES) of the Ministry of Finance (MOF) send data to Congress on the quarterly budget execution of the central government revenue and expenditure, within 60 days after the end of the quarter (45 days beginning in 2001). Decree Law No. 1263 states that the DIPRES must issue during December of every year the specific budgetary instructions applicable for the following year. These include the data to be reported to the DIPRES concerning monthly budget execution. The law also states that all central government units must prepare by December 31 of every year a statement of revenues and expenditures, and a statement of financial position, and send these to the DIPRES and the Comptroller's General Office (Contraloría General de la República, CGR). Finally, the law states that the CGR must prepare annually consolidated statements on the public sector's budgetary position, financial position, and equity position.

Decree with Legal Power-106 states in article 22 (modified by Law on November 1999) that the functions of the DIPRES include, among other, the compilation of GFS and their dissemination to Congress and the general public, as well as to international organizations.

The compilation and dissemination of monetary statistics by the **Central Bank of Chile** are governed by the terms and conditions of the 1989 Act of the Central Bank of Chile (Law 18840). Additionally, the BCCH participates in the National Plan for the Collection of Statistics (*Plan Nacional de Recopilación de Estadística, PNRE*), which assigns it the task of compiling and disseminating the balance of payments statistics. The PNRE is designed and approved by the President of the Republic each year.

The collection and dissemination of monetary statistics is guaranteed under Article 53 of the Act BCCH. The Constitutional Organic Act of the Central Bank of Chile, Law Number 18840 of October 1989, stipulates in Article 53 that "the Bank shall compile and publish, in a timely manner, the principal macroeconomic statistics of the country, including monetary and foreign exchange statistics, balance of payments statistics, and the national accounts."

### **13. China, People's Republic of**

Article 4 of the Statistics Law of the People's Republic of China (the Law) assigns responsibility to the **National Bureau of Statistics** (NBS) for organizing, directing and coordinating the statistical work throughout the country, and for disseminating official data. The Law was adopted at the third meeting of the Standing Committee of the Sixth National People's Congress on December 8, 1983, and revised on May 15, 1996. Various government levels are authorized to disseminate data, but "official data" are those disseminated by NBS (Article 14). Although the Law does not explicitly prescribe the use of internationally accepted standards to produce and disseminate data, NBS is committed to following international recommendations, standards and codes, and good practices. Two articles of the

Law (1 and 5) emphasize accuracy and timeliness of the data and highlight the need to constantly improve 'the method of statistical investigation in order to make statistics more scientific and authentic.' The integrity of the disseminated data is given high importance: Article 6 protects the right of individuals exposing or reporting unlawful activities in statistical work, such as fraud and deception, with promise of reward; and Articles 7 and 26 forbid revising the data provided by NBS and prohibit officials from influencing, altering or tampering with the data. The NBS is held solely responsible for the authenticity of the data produced and disseminated by it.

Article 27 has provisions for administrative sanctions and fines for "making false entries in statistical data," "falsifying or tampering with statistical data," or "refusing to submit statistical reports." According to Article 33 of the Detailed Rules for Implementation of Statistics Law of People's Republic of China (ratified by the State Council on January 19, 1987 and promulgated by NBS on February 15, 1987, with the revised version ratified by the State Council on June 2, 2000 and promulgated by NBS on June 15, 2000) this fine may not exceed 50,000 yuans for enterprises and institutions and 10,000 yuans for self-employed industrial and commercial firms.

Adequate guarantees are provided to the staff engaged in statistical activities (in Article 8) to 'exercise, independently and free from interference, their functions and powers with regard to statistical investigations, statistical reports and statistical supervision.' Additionally, in Article 24 the statistical staff is encouraged to seek truth, abide by professional ethics and have 'professional knowledge necessary for carrying out statistical tasks.' The Law makes it mandatory for statistical organizations to provide their staff with professional training and opportunities for further study.

Confidentiality of individual responses is established in Article 15 of the Law, which explicitly prohibits the release of individual data and obligates statistical organizations and staff to protect commercial secrets. This article and Article 3 concerning the obligation of respondents to provide the necessary data are quoted on the NBS report forms for respondents.

Article 4 of the Statistical Law of the People's Republic of China, 1996 provides for the establishment of the statistical function of the **Ministry of Finance**. Budget compilation and execution is governed by the Budget Law of the People's Republic of China, 1994 Ministry of Finance Order No.7 of 2000 authorizes the Comprehensive (Policy and Fiscal Affairs) Department to disseminate monthly and annual budget execution data to the public.

The following laws are the legal framework under which monetary and financial data are produced and disseminated by the **People's Bank of China**: Statistical Law of the People's Republic of China (issued in 1996): which lays out the basic principles for all agencies in conducting statistical work in China. In particular, Article 15 of Chapter 3 stipulates procedures related to the confidentiality of individual responses and business information, Articles 26-31 of Chapter Five stipulate legal implications and measures related to misreporting and tampering the reported data as well as releasing data without approval.



The following laws and regulations contain specific articles and provisions related to reporting of source data by financial institutions:

1. The People's Bank of China Law (issued in March 1995): Provision 9 of Article four under Chapter one states that "the PBC is responsible for statistics surveys, analysis, and forecasting for the financial sector."
2. The Commercial Bank Law (issued May 1995): Article sixty-one under Chapter six;
3. Regulations on Foreign Financial Institutions in China (last amended in December 2001): Article thirty-four under Chapter four;
4. Regulations on Finance Companies Serving Enterprises (last amended in June 2000): Article twenty-five under Chapter four;
5. Regulations on Financial Leasing Companies (last amended in January 2001): Article twenty-eight under Chapter four;
6. Regulations on Trust and Investment Companies (last amended in January 2001): Article fifty-two under Chapter five;
7. Regulations on Financial Assets Management Companies (issued in November 2000): Article twenty-nine under Chapter five.

The statistical activities concerning the balance of payments statistics of the **State Administration of Foreign Exchange (SAFE)** are governed by the 'Regulations on Reporting of Balance of Payments Statistics', which was approved by the State Council on August 30, 1995 and promulgated by the People's Bank of China on September 14, 1995; and by the 'By-Laws of Regulations on Reporting of Balance of Payments Statistics', which was promulgated by SAFE on November 23, 1995. Under these regulations, SAFE and its branches are empowered to collect data from financial institutions, enterprises, and other relevant entities to compile balance of payments statistics.

SAFE's statistical activities concerning external debt statistics are governed by the 'Provisional Regulations on External Debt Statistics and Monitoring', which was approved by the State Council on June 17, 1987, and promulgated by SAFE on August 27, 1987; and by the 'By-Laws of Provisional Regulations on External Debt Statistics and Monitoring', which was approved by the People's Bank of China on September 8, 1997, and promulgated by SAFE on September 24, 1997. Under these regulations, SAFE and its branches are empowered to collect data from government ministries, financial institutions, enterprises, and other relevant entities in order to compile external debt statistics. Under the same regulation SAFE also performs the functions associated with monitoring of external debt.

With regard to external debt, SAFE and its branches collect data not only for statistical purposes but as a part of its regulatory function, SAFE also provides data to relevant government agencies for monitoring purposes. SAFE compiles and disseminates exchange rate data based on regulations stipulated in the following documents: 'Regulations on Managing Renminbi Exchange Rate' ( by People's Bank of China, March 23, 1995) 'Regulations on Foreign Exchange Market after Foreign Investment Enterprises' Foreign Exchange Clearance with Banks' (by SAFE, June 28, 1996).

The Customs Law of the People's Republic of China adopted by the Standing Committee of the National People's Congress (July 8, 2000) and promulgated by the Decree of the President of the People's Republic of China provides the legal basis for **Customs General Administration** (CGA) to undertake statistical work related to merchandise trade.

The Regulation on Customs Statistics of People's Republic of China, promulgated by CGA for the implementation of Customs Law lays down the methodological basis for compiling and disseminating external trade statistics, and defines the tasks and guiding principles of statistical work, and concepts and definitions used for compiling Customs statistics. Article 26 explicitly prescribes the use of international standards for the compilation and dissemination of customs statistics.

The Provisions for the Implementation of the Regulation on Customs Statistics of People's Republic of China promulgated by CGA for the implementation of the Regulation on Customs Statistics in December 31, 1998 give detailed definitions of statistical elements and relevant coding systems, for clarification of customs terms used in compiling trade statistics, as well as for procedures for collecting data and for processing, transmission, dissemination and correction of the final data. Article 29 ensures the confidentiality of individual responses.

Although the Statistical Law assigns NBS the responsibility for organizing, directing and coordinating the statistical work throughout the country (Article 4 of the Statistics Law of the People's Republic of China adopted at the third meeting of the Standing Committee of the Sixth National People's Congress on December 8, 1983, and revised on May 15, 1996) it allows in the same article, other institutions to undertake statistical activities.

Protocol for data collection and dissemination is signed and updated regularly between the **Ministry of Education** (MOE) and NBS. Within this legal framework, Ministry of Education (MOE) through its internal reporting system conducts data collection activities, compiles and disseminates education data, in close coordination with NBS. Coordination between MOE and NBS is requested through official interdepartmental protocols. In compliance with the Statistical Law, MOE uses data collection instruments (questionnaires and summary sheets) as approved by NBS. All data published by MOE are, therefore, considered "official data" and disseminated following appropriate quality control procedures. The MOE internal reporting system is governed by a set of rules and procedures, the China Education Statistical Rules established at the end of the 1980's. These rules are available to the public from the Department of Development and Planning in MOE.

Confidentiality of individual responses is established in Article 15 of the Statistical Law, which explicitly prohibits the release of individual data and obligates the statistical organizations and their staff to protect commercial and individual secrets.

The **Ministry of Health** (MOH) through its internal reporting system conducts its own data collection activities, compiles and disseminates health data, in close coordination with NBS. In compliance with the Statistical Law, MOH uses data collection instruments

(questionnaires and summary sheets) as approved by NBS. All data published by MOH are therefore considered "official data". Although NBS produces and disseminates health-related data, MOH is the only institution authorized to produce and disseminate data on infectious diseases. The internal reporting system is governed by a set of rules and procedures specific to MOH. These rules are not publicly disseminated.

Confidentiality of individual responses is established in Article 15 of the Statistical Law, which explicitly prohibits the release of individual data and obligates the statistical organizations and their staff to protect commercial and individual secrets. However, identification of health institutions is permitted.

All data are confidential until they are officially released by the Center for Health Information Statistics (CHIS).

#### 14. **Dominica**

The Census and Statistics Act of 1986 provides for "the establishment of a coordinated statistical systems and for the taking of censuses and surveys for the collection, compilation, analysis and publication of statistical information and for other matters related thereto. According to the Statistics Act the duties of the **Central Statistical Office (CSO)** in the Ministry of the Minister responsible for Statistics are the following: (a) to collect, compile analyze, abstract and publish statistics portraying various aspects of the social, demographic and economic conditions of the people of the state; (b) to compile and publish national income accounts and estimates of the state; and (c) to carry out such censuses and surveys in relation to subjects listed in the schedule as may be desirable from time to time for the purposes of paragraphs (a) and (b)."

Regarding the Security of information Section 12 of the Act states that "Information collected through inquiries conducted under this Act may not be published in a manner which enables the identification of the cost of production, capital employed and profits arising in any particular undertaking or business or which discloses the affairs of an individual household or person. Section 13 of the Census and Statistic Act 1986 provides for statutory penalties against anyone violating the confidentiality of statistical information gathered under the auspices of the Central Statistical Office.

The **Ministry of Finance, Industry and Planning (MOFIP)** compiles accounting and analytical data on central government transactions and debt for the analytical, policy and fiscal management needs of the government. Data are compiled in accordance with the financial Regulations S.R.O. 37 of 1976 and Finance Administration Act 4 of 1994. At present the Eastern Caribbean Central Bank (ECCB) is the primary disseminator of analytical data for the central government operations and debt. In the medium-term, the MOFP will disseminate directly to the public quarterly and annual analytical data on central government operations and debt.

Data on the **financial sector** are collected by the Eastern Caribbean Central Bank (ECCB) under:

The legislative basis for compiling monetary statistics is the terms of Article 19 of the Treaty establishing the West African Monetary Union and Article 69 of the Statutes of the **Central Bank** (for details see the summary for Benin above).

## 15. Fiji

The data are compiled by the **Bureau of Statistics (BS)** under the terms of the Statistics Act 1978 revision (Chapter 71 of the Law of Fiji) which: Specifies that the Government Statistician shall be appointed by the Public Service Commission (Clause 3); Sets out the duties and responsibilities of the Government Statistician (Clause 4); Establishes the authority of the Bureau of Statistics to collect data (Clauses 8, 9 and 10); Provides for the confidentiality of the individual data collected (Clauses 7 and 11); and indicates the penalties incurred for failure to provide data as requested (Clause 11).

A schedule to the Act also lists the type of data the BS can request. The Act does not require to compile and publish any specific data. In addition, the Macroeconomic Policy Committee recently indicated (in the 1997 Development Strategy) the types of data the Bureau of Statistics should compile.

The **Ministry of Finance** compiles the data in accordance with the Finance Act of 1981 and the Audit Act which requires that final audited data on the operations of central government and the outstanding debt of central government be prepared for presentation to the Minister of Finance and subsequently to Parliament each year, no later than six months after the end of the fiscal year. The classifications used for organizing the data and the requirement for government units to report out turns to the Ministry of Finance on a monthly basis are set out in the Finance Instructions 1982 and in Ministry of Finance regulations ("virements").

The Finance Act 1981, the Audit Act and the Finance Instructions are published in English and copies may be purchased from the Printing and Stationery Department, Government Bookshop, 8 Viria Road, Vatuwaqa, Fiji. (Phone: (679) 385999. Fax: (679) 370203.)

The **Reserve Bank of Fiji** compiles the data related to the broad money survey and the financial sector under the terms and conditions of Sections 45 and 46 of the Reserve Bank of Fiji Act, revision 1989, and Sections 26 to 28 of the Banking Act of 1995. Data on international reserves are compiled and published under the terms of Section 56 of the Reserve Bank Act. Data on exchange rates are compiled under the terms of Section 36 of the Reserve Bank Act.

## 16. The Gambia

The **Central Statistics Department (CSD)** produces and disseminates data under provisions of the "Statistics Act 1972". The Act specifies the tasks and duties of the CSD. It addresses

confidentiality issues, and protects the confidentiality of individual responses to surveys or censuses conducted by the CSD. The Act is available to the public.

The data are compiled by the **Department of State for Finance and Economic Affairs** in accordance with the "Finance and Audit Act of 1970" which requires that final audited data on the operations of the central government be prepared for presentation to the National Assembly each year, no later than one month after the end of the year. The Act also provides for the Treasury to prepare and submit data to the Auditor General's Department on central government operations no later than 3 months after the end of the year. The Act also requires that the data be prepared in accordance with accounting principles as stated in the "Accountant General's Manual" and "The Financial Instructions" (FI) of 1989. The classifications used for organizing the data and the requirement for government departments to report outturns to the Department of State for Finance and Economic Affairs on a monthly basis are set out in the "Budget Manual" of 1983.

The **Central Bank of the Gambia** produces and disseminates data under the provision of "The Central Bank of The Gambia Act, 1972" (revised 1992), Part XII, Section 58, which requires the Bank to submit to the Minister [Secretary of State for Finance and Economic Affairs] a copy of its annual accounts, together with the certificate of the auditor and the report on the Bank's operations within three months of the close of each financial year. The Secretary of State will then lay a copy of the annual accounts before the House of Representatives [National Assembly] at its next meeting after he has received such accounts, certificate and report. The Central Bank must also make available to the public its annual report within three months of the close of each financial year.

However, "The Central Bank of The Gambia Act" does not give the same explicit mandate to the Central Bank to compile the balance of payments statistics. All statements and returns submitted by the commercial banks should be regarded as secret; but the Bank may prepare and publish consolidated statements, aggregating the figures in the weekly, monthly or quarterly returns.

## 17. Grenada

According to the the Statistics Act of 1960 the duties of the **Central Statistical Office** in the Ministry of the Minister responsible for Statistics, are: to take any census, to collect, compile, analyze, abstract and publish statistical information relating to the social, agricultural, economic, commercial, industrial and general activities and conditions of the inhabitants of Grenada, to collaborate with Ministries and Departments of Government, and with public bodies, in the collection, compilation, analysis and publication of statistical records of administrations and departments, and generally to organize a coordinated scheme of social and economic statistics relating to Grenada."

Regarding the Security of Information, Section 9 of the Act states: "Except for the purpose of a prosecution under this Act- (a) no individual return, or part thereof made for the purposes of this Act; (b) no answer given to any question put for the purposes of this Act; and (c) no

report, abstract, or other documents containing particulars comprised in any such return or answer so arranged as to enable identification of such particulars with any person, undertaking or business, shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Act, unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of an undertaking or business, from the owner for the time of the undertaking or business: Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract, or other documents, without such consent where the particulars in such report, abstract, or other document, enable identification merely by reason of the fact that the particulars relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, so, however, that in no case shall such particulars enable identification of the costs of production, the capital employed, or profits arising in, any such undertaking or business." Under Section 10 the Act provides for statutory penalties against anyone violating the confidentiality of Statistical information.

The budget and accounts of the government are prepared by the **Ministry of Finance** in accordance with the Finance and Audit Act. Budget documents and the accounts prepared by the Accountant General contain some data that can be used for analysis and these data are disseminated to the public as a public service. At present, the ECCB is the primary disseminator of analytical data for central government operations and debt. In the medium term, the Ministry of Finance will disseminate directly to the public quarterly and annual analytical data on central government operations and debt.

The Finance and Audit Act is published in English and may be purchased through the Government Stationery Office, St. Georges

The legislative basis for compiling monetary statistics is the terms of Article 19 of the Treaty establishing the West African Monetary Union and Article 69 of the Statutes of the **Central Bank** (for details see the summary for Benin above).

## 18. Guinea-Bissau

The **National Institute of Statistics and Censuses** (INEC) is governed by Law No. 1/91 of March 25, 1991. It guarantees statistical secrecy for the data collected and stipulates that any individual or legal entity is required to respond to official statistical surveys accurately and within established time limits.

The legislative basis for compiling monetary statistics is the terms of Article 19 of the Treaty establishing the West African Monetary Union and Article 69 of the Statutes of the **Central Bank** (for details see the summary for Benin above).

## 19. Hong Kong SAR, China

The **Census and Statistics Department** (C&SD) is the official statistical agency. It operates under the *Census and Statistics Ordinance*, enacted in 1978 and most recently updated in

1993. Under the terms of this Ordinance, the Commissioner for Census and Statistics has the responsibility for matters of methodology and compilation, and for the dissemination of official statistics. The Ordinance also provides that all censuses or statistical surveys conducted by the C&SD, whether of a mandatory or voluntary nature, are subject to the same legal provision for confidentiality of information supplied, and that only aggregated information is published such that information relating to a particular individual or undertaking will be kept strictly confidential and will not be divulged to other parties. There is no legal requirement for the C&SD to publish its data, and the agency does so as a service to the public.

The **Treasury** is responsible for compiling and disseminating the data for the fiscal sector (government operations and government debt). There is no statutory requirement for the publication of monthly data on the government's operations, and the Treasury publishes these data as a service to the public. However, for annual data on government operations, the *Audit Ordinance (1971)* provides that the Director of Accounting Services shall submit the statements of accounts to the Director of Audit within five months of the close of the financial year (March 31) for the purpose of audit, and that the latter shall within seven months of the close of the financial year submit the audit report to the President of the Legislative Council. The Treasury publishes the statistics on government debt as a service to the public.

The Hong Kong Monetary Authority (HKMA) is the agency responsible for compiling and publishing the data on the financial sector, international reserves, and exchange rates. The HKMA is governed by the provisions of the *Exchange Fund (Amendment) Ordinance 1992*, which came into operation on April 1, 1993. The HKMA also operates under the terms of the *Banking Ordinance (1995)* and the *Monetary Statistics Ordinance (1995)*. The *Banking Ordinance* requires Authorized Institutions to submit periodic returns to the HKMA with the required information. The *Monetary Statistics Ordinance* has provisions protecting the confidentiality of data for individual Authorized Institutions. There is no legal requirement for the HKMA to publish the data for the financial sector, international reserves and the exchange rate, and the agency publishes these data as a service to the public.

## 20. Jordan

The **Department of Statistics (DOS)** compiles the data under the authority of the Statistical Law No. 24, 1950. The Statistical Law requires that complete confidentiality of individual responses is ensured. The Law requires the DOS to carry out a census of population and agriculture every 10 years and a census of industry every 5 years. The Statistical Law assigns to DOS the co-coordinating function for the national statistical system. Proposals for statistical enquires or surveys to be undertaken by another government agency, private organization or individual researchers have to be submitted to DOS for review.

The **Ministry of Finance** is independent in the determination of its data compilation methodology and dissemination practices. Financial by laws No.3, 1994 specify the classification framework of budgetary revenue and expenditure.

The **Central Bank of Jordan (CBJ)** was established in 1964 by a special decree and has the status of an autonomous body. The decree stipulates that the objectives of the CBJ are to maintain monetary stability, ensure the convertibility of the Jordan dinar, and promote sustained economic growth in accordance with the general economic policy of the Government. The CBJ is independent in the determination of its data compilation methodology and dissemination practices. Data submitted by banks and other sources are confidential.

## 21. Kazakhstan

The **Statistics Agency** compiles data in accordance with the Law on State Statistics (approved on May 7, 1997). According to this Law "Legal entities and individuals are guaranteed confidentiality of all the primary statistical information submitted to the statistical bodies. Dissemination of statistical information may take place only with a consent of legal entities or individuals who have submitted information, or anonymously". The Regulation on Confidentiality of the Primary Statistical Information covers the statistical bodies of state and public agencies. A reference to the Law, with identification of the item dealing with confidentiality is available on all blank forms for statistical reporting to the state or public agencies. The Statistics Agency has a provision in accordance with which each employee bears personal responsibility for observation of the confidentiality principle in statistics.

Analytical data on government operations and central government debt are compiled by the **Ministry of Finance** for the purposes of analysis and state policy needs. These data are disseminated as a public service.

In accordance with the Decree of the President of 1995 having the force of Law "On the National Bank of the Republic of Kazakhstan", the duties of the **National Bank** are to develop and to implement the state policy in the sphere of money circulation, credit, organization of remittances of money between banks and their clients, and currency relationships, in order to achieve the goals of economic development and to provide a stable monetary, credit and banking system and protect the interests of creditors and bank clients. With regard to this, the National Bank regulates the money supply, including the preparation and dissemination of indices of money supply, forex transactions on domestic and external markets, and of international reserves. In addition, pursuant to the aforementioned Law the National Bank drafts the country's balance of payments report. The National Bank also publishes information on the state of monetary circulation, credit, finances, banking system and forex policy in its annual report (Article 67 of the Law).

In accordance with the Decree of the President of the Republic of Kazakhstan of 1995 having the force of Law "On Banks and Banking Activities in the Republic of Kazakhstan" the National Bank has the right to ask for and receive any information from commercial banks. National Bank employees are prohibited from disseminating to a third party the data collected from commercial banks in the exercise of their right to receive information (Article 54). The National Bank collects statistical information for balance of payments purposes



pursuant to Resolution of the Government "On Development of the Balance of Payments of the Republic of Kazakhstan" (January 1999) and the Law "On State Statistics."

## 22. Kuwait

The **Central Statistical Office (CSO)** was established according to Article 1 of Law number 27 of 1963 and subsequently attached to the Ministry of Planning in a AMIRI decree dated September 6, 1976. According to Article 3 of the law, the Central Statistical Office is authorized to: (1) undertake the census of population and housing; (2) collect statistical information in all fields and from all agencies except the Ministry of Defense; (3) supervise and coordinate the statistical operations performed by all government organizations; and (4) publish and disseminate the statistical data through various information media. The Article further stipulates that all data sources are responsible to provide CSO with the requested information and individual information must be confidentially maintained.

The **Ministry of Finance** compiles analytical data on central government operations for the analytical and policy needs of the government. It disseminates these data to the public as a public service. There is no decree explicitly guaranteeing the confidentiality of official fiscal data but the Ministry of Finance would punish individuals who breach data integrity.

Data compiled by the **Central Bank of Kuwait (CBK)** are governed by its charter (Law No. 32 of 1968). The law grants the CBK the legal right to require the submission of information by "banks, financial companies, and institutions." Article 82 specifies that the CBK may require any "statements, information and statistical data" that the CBK considers necessary to carry out its function. The law also requires that the CBK ensure the confidentiality of all information it gathers. Severe penalties are specified for failure to treat data confidentially. The dissemination of statistical data is not mandated by the law.

## 23. Kyrgyz Republic

The **National Statistics Committee** of the Kyrgyz Republic (NSC) produces and disseminates data in accordance with the Law of the Kyrgyz Republic on "Official Statistics" (resolution No. 1391-XII of the Kyrgyz parliament Zhogorku Kenesh of January 12, 1994). The Law requires development of statistics according to international recommendations, and objectivity and integrity of these statistics. The law establishes independence of the NSC in statistical matters. Accordingly, the NSC chairman is appointed by the President of the Republic and reports to him. The Law makes data reporting by respondents mandatory, and guarantees confidentiality of individual data. The Law gives NSC statutory power to obtain data for statistical purposes from government and economic entities, regardless of their form of ownership, free of charge, within established time periods. Report forms of the NSC quote Article XI of the law regarding compliance with legal requirements in the collection of information. Enterprises are informed of the confidentiality of the individual data collected from them.

The **National Bank** of the Kyrgyz Republic (NBKR) disseminates information in compliance with Article 11 of the Law on the "National Bank" (resolution of the Kyrgyz parliament Zhogorku Kenesh, June 1997). The NBKR compiles balance of payments data in compliance with Article 51 of the Law, jointly with the NSC. Monetary data are compiled in accordance with Article 39 of the Law on "Banks and Banking in the Kyrgyz Republic" (resolution of the Zhogorku Kenesh, June 1997). Confidentiality of individual responses is guaranteed by the Law on the "National Bank" and specifically by Article 54 of the Law on "Banks and Banking in the Kyrgyz Republic, which states ".. it is prohibited to disclose to third parties or use for any purposes any information which was entrusted to them or to which they had access."

Statutory provisions for compiling and disseminating information and for guaranteeing confidentiality of individual responses is provided by the laws on "Government Debt of the Kyrgyz Republic" (resolution of the Kyrgyz parliament Zhogorku Kenesh No. 415-XII, April 16, 1991), "Guiding Principles for the Treasury" (resolution of the Zhogorku Kenesh No. 1554-XII, May 28, 1994), and "Main Principles of Budgetary Rights" (resolution of the Zhogorku Kenesh No. 69, June, 11, 1998).

#### 24. Mali

The **National Directorate of Statistics and Data Processing** produces and disseminates statistics under the following terms and conditions: Ordinance No. 91 029/P-CTSP of June 29, 1991 governing obligations and secrecy in statistical matters. This text defines the rights and obligations of the statistical units surveyed, as well as those of the agencies involved in producing statistics; Decree N°91-145/P-CTSP of June 29, 1991 establishing operating modalities of the statistical coordination committee. This committee includes, inter alia, the subcommittee on demographic and social statistics responsible for assisting the Statistics Directorate in compiling population statistics; Law No 98-020 of March 9, 1998 governing the general population and housing census; Decree No. 98-099 of March 27, 1998 establishing the agencies responsible for the general population and housing census.

The legislative basis for compiling monetary statistics is provided by the terms of Article 19 of the Treaty establishing the West African Monetary Union and Article 69 of the Statutes of the **Central Bank** (for details see the summary for Benin above).

**Education statistics** are produced and disseminated under the following terms and conditions: Ordinance No. 91 029/P-CTSP of June 29, 1991 governing obligations and secrecy in statistical matters. This text defines the rights and obligations of the statistical units surveyed, as well as those of the agencies involved in producing statistics; Decree N°91-145/P-CTSP of June 29, 1991 establishing the operating modalities of the statistical coordination committee. This committee includes, inter alia, the subcommittee on demographic and social statistics responsible for assisting the Statistics Directorate in compiling social statistics.

## 25. Malta

The activities of the **National Statistics Office** (NSO) are governed by the Malta Statistics Authority Act, 2000 (hereinafter referred to as the MSA Act) and the Census Act of 1948. The MSA Act in Article 10 lists the functions of the NSO as being the collection, compilation, extraction and release of official statistics relating to demographic, social, environmental, economic and general activities and conditions of Malta as specified in the First Schedule of the Act. The Census Act gives the NSO general discretion in collecting data relevant to the economic, social, or civil condition of the population.

Confidentiality of reporting is ensured by the MSA Act which governs the publication of individual data and access to reported data by officials. The MSA Act states that no information obtained in any way under the MSA Act and which can be related to an identifiable person or undertaking can be disseminated, shown or communicated to any person or body, except with the written consent of that person or undertaking or of the personal representative or next-of-kin of that person if he is deceased. Confidentiality also extends to the conduct of employees of the NSO, who are bound by oath not to disclose any matter coming to their knowledge about any person, household or undertaking by reason of their service as officers of statistics.

Data produced by the **Ministry of Finance** are prescribed by the Financial Administration and Audit Act, while the operational procedures are provided for by the General Financial Regulations Act 1966 and by internal Ministry of Finance directives. The audited accounts must by law be published no later than 6 months after the end of the fiscal year. Monthly data are disseminated to the public as a public service.

The **Central Bank of Malta** (CBM) is authorized to collect data from banks under the Central Bank of Malta Act 1967. Section 38C (1) of the Act stipulates that the CBM "may require banks to submit such information as the Bank may require in the discharge of its duties under this Act." All credit and financial institutions are required to submit the statutory statements on their financial position to the Competent Authority under the Banking and Financial Institutions Acts of 1994. As the Competent Authority, the CBM has issued Banking Directive No. 6 which lays down the reporting requirements. In addition, Section 19 (2) of the Banking Act stipulates that a "bank shall submit to the Central Bank such information as the Central Bank may require in the discharge of its duties".

Both the CBM and the Banking Acts stipulate that "information submitted by banks shall be regarded as secret and confidential" except when requested by the Competent Authority and that "the Bank shall prepare and publish consolidated statements aggregating such information...". In the short-term the CBM Act will be revised so as to strengthen the powers of the CBM with regards to the collection of statistics.

The Malta Financial Services Center is responsible for the collection of information from the international (offshore) banking institutions. The CBM is authorized to receive such information under Schedule 3 Section 8 (1) of the MFSC Act 1994 which states that "the

Central Bank of Malta may request the Center to pass to it information in the possession of the latter which is necessary for the discharge by the Central Bank of its duties under the Central Bank of Malta Act, and the Center shall comply with such a request".

## 26. Mauritius

The Statistics Act 2000 of 30 November 2000 proclaimed on 2 April 2001 governs the activities of the **Central Statistics Office (CSO)**, under the administration and control of the Director of Statistics. The CSO is an autonomous department of the Ministry of Economic Development, Financial Services and Corporate Affairs (MEDFS & CA).

The Act gives the Director the authority to conduct censuses in Mauritius; and to collect, compile, analyze abstract, and publish statistical information relating to the commercial, industrial, financial, agricultural, social, demographic, economic activities and general conditions of the people of Mauritius. The first schedule to the Act lists thirty-one matters on which the Director, with the approval of the Minister, or on the direction of the Minister, may collect statistical information. Statistics may not be collected until regulations have been made under the Act prescribing the particulars and information to be furnished. According to Section 5 of the Statistics Act 2000, the Director of the CSO has the sole responsibility for deciding the extent, form, and timing of publication and dissemination of any statistics produced by the CSO. Section 7 obliges every ministry, department and statutory body to provide the CSO with data at the times, in the manner, and for the periods prescribed by the Director of the CSO.

The coordination of statistical activities in all ministries and government departments is one of the duties of the Director of the CSO (Section 5 of the Statistics Act 2000). In addition, the Statistics Advisory Council advises the Minister responsible for statistical matters on coordination of statistical activities in Mauritius. The Director is also authorized to collaborate with departments of the Government in the collection, compilation, analysis and publication of statistical records of administration. The Director is authorized to require a person to supply particulars for a census or statistical collection in accordance with the Act. Section 17 of the Act restricts the disclosure of information relating to an individual person or business, but also sets out particular circumstances where exceptions are permitted. (e.g. with the written consent of the person or owner of the business.) Section 18 allows disclosure of information which is in the public domain while section 19 allows disclosure of unidentified information for research or statistical purposes. With a few exceptions, the CSO is obliged to respect the confidentiality of individual data. Before entering on duty, CSO staff has to sign a declaration of secrecy.

Sections 17 through 22 of the Statistics Act 2000 deal with confidentiality. Section 17 rules that except for the purposes of a prosecution under the Act, no part of individual returns, and no document that would enable the disclosure of particulars of any person, undertaking, or business, shall be published, admitted in evidence, disclosed to any ministry or government department, or shown to any person not employed in the execution of the Act. However, the possible identification of individual data merely by reason of the fact that an undertaking is

the only one within its particular sphere of activities does not prevent publication. Still, identification of the costs of production, the capital employed, or profits made should never be possible with respect to any undertaking. The CSO may also disclose (i) information available to the public under any public document, (ii) basic enterprise information such as name, address, industrial classification, and number of employees, (iii) details of external trade, (iv) information relating to a local authority or other statutory body. With approval of the Minister, the CSO may further disclose individual records for research and statistical purposes, provided that all identifying information has been removed and the persons involved in the research or statistical project has made a declaration of secrecy.

Section 20 of the Statistics Act 2000 stipulates that the CSO should take steps to ensure the security and confidentiality of statistical information in whatever form it is stored. Furthermore, all individual census and surveys forms containing names and addresses should be destroyed after the data have been processed and validated, but not later than five years after the completion of the census or survey (Section 21). Section 22 of the Statistics Act 2000 prescribes the declaration of secrecy required from every person employed in the execution of the Act. The wording of this declaration is set out in the third schedule given by the Act. Further protection to the confidentiality of the individual data is provided under the Official Secrets Act 1972, Article 3.2.f.

By section 5, the Director shall cause statistics collected under the Act to be compiled, tabulated and analyzed, and may cause the statistics or abstracts of them to be published in such manner as he may determine. The Director of the CSO is also authorized to coordinate and monitor statistical activities in all Government Ministries and Departments, local authorities and other statutory bodies with a view to implementing sound statistical standards and to minimize unnecessary duplication and overlap in the collection and publication of statistical information; Section 13 of the Statistics Act 2000 gives the CSO the power to obtain particulars in respect of any statistical collection carried out in accordance with the Act. The CSO also has access to public or other records if approval of the Minister has been obtained. However, no person is required to supply information on technical processes or trade secrets. Refusal or neglect to provide information, or making untrue statements are offences and subject to the payment of a fine and imprisonment. The CSO does not have the right to inspect books and records, premises, and stocks of businesses or persons in case of non-compliance. Section 23 of the Act provides for the establishment of a Statistics Advisory Council, whose function is to advise the Minister on matters relating to statistical activities and the provision of statistical services in Mauritius.

The **Ministry of Finance** compiles analytical data on government operations and central government debt for monitoring purposes and for the analytical and policy needs of the government. No specific legal responsibility has been granted to a single agency to compile government finance statistics (GFS). The CSO has the institutional responsibility under the Statistics Act 2000 (Article 5.1.b) to collect, compile, analyze, abstract, publish and disseminate statistical information on economic activities. The CSO is the only agency that collects, processes and disseminates general government statistics. The Ministry of Finance (MOF) collects, processes and disseminates (primarily) budgetary central government

statistics. In compliance with Section 19 of the Finance and Audit Act 1973 the Accountant-General in the Treasury Department of the MOF publishes an Annual Report showing the financial position as of the last day of the financial year (June 30). However, neither the CSO nor the MOF is required legally to produce GFS.

The Treasury Department of the Ministry of Finance has to produce and disseminate data showing fully the financial position on the last day of the financial year under Section 19 of the Finance and Audit Act 1973. As per this Act, the Treasury has to produce financial statements on: Assets and Liabilities of the Government; Revenue and Expenditure of Government (both current and capital); Government debt data.

The **Bank of Mauritius (BoM)** is responsible for compiling and disseminating monetary statistics. These data are compiled under the terms and conditions set out in the Bank of Mauritius Act (Act) of 1966. The Act governs the activities of the BOM, and provides in section 22B that the BOM may require from banks any information and data that may be needed for the proper discharge of its functions and responsibilities. In accordance with section 24 of the Act, the BOM may extend its authority to require data and information to any credit institution other than an authorized bank. Furthermore, the BOM is empowered to examine the accounts, books, records and papers of any bank or credit institution to verify its compliance with any requirements relating to the provision of information and data. The Act forbids publication by the BOM of any information that would disclose the financial affairs of any individual or enterprise without consent in writing (section 22B, subsection (2)(b)). In addition, in terms of section 9, no official may disclose information relating to the affairs of the BOM or of any other bank or of a customer of the BOM or any other bank, except for the purpose of the performance of his duties or when lawfully required to do so.

Monetary statistics are produced mainly from balance sheet data provided by the commercial banks in the monthly returns. Only the staff of the Money and Banking Statistics Section and of the Supervision Department have access to data of individual banks before they are consolidated for publication in the *Monthly Statistical Bulletin*.

The Banking Act of 1988 provides the legal basis for ensuring mandatory reporting for monetary statistics purposes. Section 24 of the Banking Act imposes an obligation on banks to provide to the BOM, not later than the fifteenth day of each month, their monthly statements of assets and liabilities in the format approved by the central bank, along with any additional information that the central bank may require. A failure to comply with this reporting requirement is considered an offence and is punishable by fines. A similar responsibility to provide information has been imposed on non-bank deposit-taking financial institutions in section 13A; subsection 3, of the Banking Act.

While the Act addresses the issue of the BOM's authority to collect data from banks and other credit institutions, its responsibility for compiling and disseminating monetary statistics is not clearly specified. In terms of section 45 of the Act, the BOM is only obliged to compile and publish its monthly statement of assets and liabilities and report on its operations during each financial year. Additional data are produced for the analytical and policy needs of the

BoM and are disseminated as a public service in a variety of publications of various frequencies, including the "Monthly Statistical Bulletin."

The BOM has independence with regard to release of the data and methodology for compiling the data. Confidentiality of reporting is ensured by Section 9 of the Act, which states that "Except for the purpose of the performance of his duties, no Director or employee of the Bank shall disclose to any person any information relating to the affairs of the Bank or of any other bank or of a customer of the Bank or of any other bank which he has acquired in the performance of his duties or the exercise of his functions." Article 22B also states that no information shall be published which would disclose the financial affairs of any individual or enterprise without the consent in writing of the individual or enterprise.

## 27. Mongolia

The legal basis for the statistical activity of the **National Statistical Office (NSO)** is the Law on Statistics of 1994. The Law on Statistics was last revised in 1997. Under the law, the State Hural (Parliament) appoints the Chairperson of NSO who reports directly to Parliament. In accordance with the ongoing social, political and economic transition in Mongolia, the Law on Statistics provides sufficient support for official statistics to allow the NSO to produce and disseminate objective and reliable statistical information. The NSO is responsible for safeguarding the integrity of the national statistical system, coordinating statistical programs, ensuring the confidentiality of reported data and providing all users equal access to statistical information.

The main objectives of the Law on Statistics are to: establish the independent status of the national statistical organization; ensure the adoption of international standards and methodology with respect to data collection, processing and dissemination; determine the rights and obligations of the statistical bodies at each level, as well as those of respondents to statistical inquiries; guarantee the confidentiality of reported data; and provide for administrative sanctions in cases of a breach of the law.

The Budget Law of Mongolia of December 21, 1992 requires that the local governments and budget governors report to the **Ministry of Finance (MOF)** on a semi-annual basis (by August 5 and February 20), and requires the MOF to compile semiannual reports on central government operations by September 1 and March 15. The report on the implementation of the central government budget is to be presented by the government to the Parliament during its spring session. The law requires the Treasury Department of the MOF to consolidate the reports on the implementation of the central and local budgets. The compilation of data on foreign debt is governed by the Act on Currency Coordination of May 12, 1994. The law requires the MOF to register foreign loans provided by donor countries and international institutions.

Data compiled by the **Bank of Mongolia (BOM)** are governed by its charter as outlined in the Central Bank Law of September 3, 1996. The law grants the BOM the legal right to require the submission of information by banks, financial companies, and institutions. The

law also requires that the BOM ensure the confidentiality of all information it gathers. Severe penalties are specified for failure to treat data confidentially. The dissemination of statistical data is not mandated by the law. In addition to its own charter, the BOM is also governed by the Statistics Law of 1997. This law specifies that the National Statistical Board of Mongolia, acting through the National Statistical Office, may delegate data collection authority to other agencies. The BOM has used this procedure to develop a program to improve the compilation of balance of payments data by directly conducting a survey of enterprises.

## 28. Nepal

The "Statistics Act of 1958" governs the activities of the **Central Bureau of Statistics (CBS)** under the administration and control of the Director General. Administratively, the CBS is under the National Planning Commission. The Law has a provision whereby His Majesty's Government may, by a notified order, issue direction for collection of statistics concerning any matter. The Law gives the Director General power to require details and to inspect records. The Law assigns to the CBS the coordinating role in statistics. The Law states that the permission of the CBS is required for other agencies to collect data and that those data are authenticated before use or publication. The Law requires that complete confidentiality of individual responses is ensured.

Fiscal data compiled and disseminated by the **Ministry of Finance** are prescribed by the Financial Rules and Regulations, while the operational procedures are provided for by internal Ministry of Finance directives issued from time to time. The audited accounts must by law be published no later than 9 months after the end of the fiscal year. Data are disseminated to the public as a public service.

The activities of the **Nepal Rastra Bank (NRB)** are governed by the Nepal Rastra Bank Act, 1955 (Act). With regard to data collection and compilation, Section 15. (1) of the Act requires that "The Bank may collect necessary records, Statistics or particulars from time to time for the survey, evaluation and analysis of the economic situation of the Kingdom of Nepal." Data dissemination functions are granted to the NRB by Section 15. (2), which states that "The Bank may publish reports or book-lets prepared on the basis of the records, statistics or particulars collected under sub-section (1)." The Section 32. (1) of the Act states that the NRB may impose penalties on any commercial bank or financial institution, which contravenes the provisions of the Act. The NRB may "(a) Impose a ban on the disbursement of dividends payable by the commercial bank or financial institution to its shareholders. (b) Impose restrictions on deposits, which the institution can accept or on credits, which it can advance. (c) Impose a ban on the business of the commercial bank or financial institution. (d) Suspend or cancel the license granted to the commercial bank or financial institution." The Act is issued to all commercial banks and other banking institutions in Nepal. Section 26 of the Commercial Bank Act, 1974, defines the obligation of all commercial banks in Nepal "to regularly submit financial and other necessary particulars to the Rastra Bank in the specified format and time as directed by the Rastra Bank."



## 29. Oman

The **Ministry of National Economy** (MONE) compiles the data governed by the Statistical Law (Royal Decree No. 29/2001 of 2001). Accordingly, the Directorate General of MONE is made responsible through Article 3 for publishing the data and results of statistical surveys and population census, following the annual work plan, as well as for standardization, harmonization, analysis of information and publication. The Law holds the Directorate General responsible for approving the official surveys and for their coordination.

Article (2) of the Law stipulates the holding of population census once in 10 years. Article (4) provides the underpinning for the current decentralized statistical system. It authorizes other government agencies to conduct statistical surveys or collect data that have direct relevance to their work. However, prior approval has to be obtained from the Consultative Statistical Committee. Article (9) provides this Committee with sufficient power to coordinate the statistical activities of other government agencies, as well as to ensure the adoption of international recommendations concerning concepts and definitions.

Article (6) authorizes the MONE to collect statistical information in all fields and from all agencies except the Ministry of Defense and other Security agencies. Article 8 ensures the integrity of the data. It states that individual information must be confidentially maintained and should not be identified separately. Article 10 describes the penalties for not responding to the official data requests. A hardcopy of the Statistical Law is available to the public in Arabic. Terms and conditions are not provided to guarantee the independence of the MONE staff with respect to the compilation and dissemination of its data.

The **Central Bank of Oman** (CBO) compiles the data governed by the Banking Law (Royal Decree No. 114/2000 of 2000 and the Statistical Law. The Banking Law confers on the CBO the legal right to require the submission of information by licensed banks. Article 72 specifies that "each licensed bank shall also submit (besides Annual Reports, Monthly Reports, etc) such other reports concerning the condition of the bank or of any one or more of its branch offices at such times and in such form as may be prescribed by regulations of the banks." The Banking Law also includes a provision (Article 72) to ensure the confidentiality of individual response and to prevent the disclosure of sensitive data.

## 30. Panama

Article 276 of the Constitution of the Republic of Panama states that the **Office of the Controller-General of the Republic** is responsible for carrying out the function of "directing and producing national statistics." Decree Law 7 of February 25, 1960 specifies that this function shall be carried out through the Directorate of Statistics and Census and "shall include activities related to the compilation, preparation, analysis, and publication of statistics produced by any national or municipal public office and by autonomous or semi-autonomous agencies." This Decree Law describes the powers of the Office of the Controller-General as regards national statistics, the obligations and penalties associated with national statistics, and data confidentiality: "Individual data pertaining to natural persons or

private legal entities, obtained for the compilation of national statistics, shall be strictly confidential."

The **Suprintendency of Banks** produces and disseminates data following Decree Law 9 of February 26, 1998 that establishes the standards and legal requirements for the documents and reports that the banks must submit to the Superintendency of Banks. Compliance with the law is strict and extends to unaudited financial statements; reports on assets, liabilities, and earnings; and portfolio and liabilities classification. Audit reports from authorized external public accounting firms must be presented annually. This law also requires the Superintendency to disseminate financial statements to the public with any periodicity and content that it deems appropriate.

### 31. Paraguay

Decree-Law 11126 of February 1942 governs the **Directorate General of Statistics, Surveys, and Censuses** (DGEEC) that is responsible for the following functions, among others: (a) exercise technical supervision of all statistical work, regardless of the type or purpose and implementing government office; and (b) advise and assist in the organization and performance of all statistical work currently carried out by the statistics units of the various government and municipal jurisdictions. The law also states that: (a) private enterprises, establishments, corporations, or administrations of any kind, and, in general, all persons entrusted with the general management thereof, are required to provide such statistical data as may be requested of them, on the understanding that it will not be disclosed and will be used only to assess the various aspects of national life; and (b) the publication, disclosure, dissemination or any other improper use that may be made or attempted of information pertaining to individual commercial operations or individual commercial firms is prohibited and subject to sanctions.

The laws governing the preparation and dissemination of data by the **Ministry of Finance** relate to the "Informe Financiero" (Financial Report) prepared by the Directorate of Accounting. The report contains information on the accrual-basis accounting, budget execution, and status of the debt of government agencies and institutions. Law 1.535/99 on Financial Administration authorizes the Ministry of Finance to request information from various public institutions and establishes provisions related to the procedures for preparation of the Government Accounting System, the requirement of submitting reports, and the confidentiality of information. Article 54 states that Government accounting shall collect, assess, process, record, monitor, and report on all revenue, expenditure, costs, equity, and other economic events that affect government agencies and institutions. Article 55 states that the accounting system shall be based on accrued values and shall have the following major features: (a) it shall be comprehensive and applicable to all government agencies and institutions; (b) it shall be uniform in terms of recording economic and financial events on a common technical basis consisting of principles, rules, a chart of accounts, procedures, and accounting statements and reports; (c) it shall serve to record budget operations, movements of funds, and public credit and debt in an integrated manner; and (d) it shall function on the basis of the operational decentralization of records at the institutional level and the central

consolidation of general financial statements and reports. Article 66 states that during the course of the fiscal year, government agencies and institutions shall submit to the Ministry of Finance, within the first fifteen days of each month, the budget, financial, and net worth information for the immediately preceding month, for purposes of analysis and consolidation of financial statements and reports, in accordance with the procedures established for the purpose by the regulations. Article 67 states that the Ministry of Finance shall submit to the Executive Branch and the National Congress, no later than March 31, a report containing the set of accounting statements showing the financial, economic, budgetary, and consolidated net worth position of government agencies and institutions, pertaining to each fiscal year ended and closed, with a statement comparing budgeted and actual figures.

The Law 489/95 on the Charter of the Central Bank of Paraguay laws supports the statistical work of the **Central Bank of Paraguay** (BCP). The law establishes the obligations of public and private entities to cooperate with the BCP for the preparation and publication of macroeconomic statistics. The law guarantees the statistical confidentiality of information provided to the BCP. Article 80 requires that public institutions, banks, finance companies and other entities involved in financial intermediation, and private sector enterprises or entities, shall provide to the central bank any data and information that it may request in the performance of its duties, preserving the confidentiality of the information. Article 81 states that for financial programming purposes, the Ministry of Finance shall report to the Central Bank of Paraguay on fiscal revenues and outlays, execution of the national budget, and any other information necessary for the preparation of said programming. Article 82 states that the BCP shall prepare and publish statistics on monetary and financial matters, external payments, domestic prices, output and income, as well as on the credit institutions subject to its supervision. The statistics shall be published in the form of aggregate data, with no individual references, except with respect to the information contained in the accounting data published for general information purposes by banks, finance companies, and other credit institutions. Article 118 states that the BCP shall publish an annual report, approved by its Board of Directors, which shall contain an analysis of the monetary, financial, and economic performance of the past fiscal year. Legal provisions promulgated during said period related to the functions of the Central Bank of Paraguay, regulations, and other information of concern to banks, finance companies, and other credit institutions shall be appended as annexes.

The Law 861/96, General Law on Banks, Finance Companies, and Other Credit Institutions establishes rules for the financing of banks, finance companies, and other credit institutions. These rules include capital requirements as well as rules governing the establishment of subsidiaries and branches abroad. The law also establishes the operations that institutions may engage in, including limits, provisions, and sanctions. The law ensures the confidentiality of information, establishes mechanisms for the supervision of financial system institutions, and authorizes the BCP to impose penalties for noncompliance with the rules on information reporting. Moreover, the law establishes procedures for the administration, sale, dissolution, and liquidation of financial institutions. Article 55 states that within the first ten days of each month, financial institutions shall submit reports to the Superintendency of Banks concerning the preceding month, prepared in accordance with the

existing chart of accounts, which reports shall show the contingent assets and claims, the amounts thereof, and the factor to be applied, as well as the amounts of the various components of real net worth. Article 84 states that the financial institutions, as well as their directors, administrative and supervisory bodies, and employees, may not provide any information on operations with their customers, unless written authorization is obtained from them or one of the situations described the following articles exists. The prohibition shall not apply when disclosure of the amounts received from other customers is necessary for purposes of liquidating banking or financial institutions. Article 87 states that the obligation of secrecy shall not apply to aggregate information and ratings provided by the Central Bank of Paraguay and the Superintendency of Banks, including by type of deposit, without identifying individual customers. Article 88 states that violation of the provisions of this chapter by persons bound by the obligation of secrecy shall be considered a serious offense for labor and disciplinary purposes, without prejudice to any criminal liability established by law.

### 32. Romania

Government Ordinance no. 111/2000 issued in September 2000 authorizes the **National Institute of Statistics and Economic Studies (NISES)** to collect, process, analyze and disseminate data for the real and socio-demographic sectors. This ordinance does not specify that the statistics should conform to international standards, but does stipulate that the standards should be free from interference by any other domestic agency. It also guarantees the independence of the staff though the President and Vice-Presidents of the NISES are appointed by the Prime Minister. The Ordinance stipulates that all individuals and legal units are required to submit data to the NISES on request. Additionally, they must make their records available to the NISES for verification purposes, if required. The maximum fine for non-compliance is around US 2,000 dollars. However, the NISES prefers to use persuasion to gain the necessary data. Also, it specifies that no data can be disseminated which would allow the identification of any specific respondent. Additionally it states that the data collected can only be used for statistical purposes. The maximum penalty for disclosing confidential data is US 2,000 dollars.

The Ordinance further specifies the role and responsibility of the Statistics Council for Coordinating Statistical Activity (SCCSA). The main role of this body is to advise on the general development strategy of the national statistical system and approve the annual program of the NISES. It has no direct responsibility for ensuring the funding of the NISES work program. It is consulted when major changes are planned to high profile indicators such as price indices, but not for changes to the national accounts. The NISES has formal agreements with other ministries and official bodies concerning the transmission of data. Initially these only covered the national accounts, but have been extended to cover all of the statistics collected by the NISES. These agreements support close working relationships with these bodies.

Data compiled by the **National Bank of Romania (NBR)** are governed by provisions of: its charter as outlined in the Banking Act (Law number 58/1998); the National Bank of

Romania Act (Law number 101/1998); the Chart of Accounts and the Methodological Norms specifying the use of the NBR's accounts; the Foreign Exchange Regulation Number 3/1997; and, guidelines of the Ministry of Finance on actions for closing the financial year. The provisions in these laws and regulations grant the NBR the legal right to require the submission of information by banks, financial companies, and institutions. The reference laws and regulations also requires that the NBR ensure the confidentiality of all information it gathers. Severe penalties (heavy fines and jail) are specified for failure to treat data confidentially. The dissemination of data is mandated by the National Bank of Romania Act.

### 33. Senegal

The **Directorate of Forecasting and Statistics**, Ministry of Economy and Finance produces and disseminates data governed by Law No. 66-59 of June 30, 1966 on obligations, coordination, and secrecy in statistical matters. Under Article 3 of this law, individuals or legal entities are required to respond accurately and within set time limits to statistical inquiries that have been previously approved by the minister responsible for statistics and the oversight minister. Article 6 states that statistical staff, including survey officers, must take an oath before the lower courts of their place of employment. Article 7 discusses statistical secrecy and states that the individualized data on the questionnaires approved under Article 4 of that law are covered by statistical secrecy. The results may only be published anonymously. The staff of the public service and agencies participating in surveys are prohibited from disseminating the information referred to in the first paragraph in any way and from disclosing it to anyone, even to other government administrations. In particular and notwithstanding any provisions contrary to the legislation in force, the information considered may not be used in any way for fiscal control or repressive economic measures.

Article 1 of this law creates in the ministry responsible for statistics a Statistical Survey Coordination Committee (COCOES) in charge of coordinating public service surveys, excluding internal statistical work that does not involve persons outside the administration. Decree 69-406 of March 31, 1969 establishes the membership and rules of procedure of COCOES. Article 1 of that decree provides that COCOES, under the chairmanship of the minister responsible for statistics (Minister of Economy and Finance), shall comprise all the other ministers and secretaries of state, representatives of the National Assembly, Economic and Social Council, the productive sector, labor unions, economic groupings, the Director of the Central Bank of West African States (BCEAO), the Director of Planning, the Chief of the Office of Scientific and Technical Affairs. It also establishes that the Directorate of Statistics shall act as the committee's secretariat. Article 6 of the decree stipulates that no public statistical survey of any kind may be carried out in Senegal without authorization from COCOES. Furthermore, the results must be communicated to COCOES. Survey programs are prepared or modified by the Committee and may be executed by edict of the minister responsible for statistics. Article 7 of the decree provides that the statistical nomenclatures and codes used shall be those of the Directorate of Statistics or, failing that, those established in agreement with the said directorate. Article 9 defines the specialized sections of the Committee, namely: Demographics and social issues, Agriculture, Industry, Trade, Consumption, income, household budgets.

The legislative basis for compiling monetary statistics is provided by the terms of Article 19 of the Treaty establishing the West African Monetary Union and Article 69 of the Statutes of the **Central Bank** (for details see the summary for Benin above).

### 34. South Africa

The compilation and dissemination of official statistics for the Republic of South Africa are governed by the Statistics Act (Act No 6 of 1999). The Statistics Act provides for: "...a Statistician General as head of **Statistics South Africa (SSA)**, who is responsible for the collection, production and dissemination of official and other statistics, and for co-ordination among producers of statistics." Section 3 (1) of the Act states that the purpose of "official statistics" is to assist organs of state, businesses, other organizations or the public in planning, decision-making or other actions, and monitoring or assessment of policies.

Under the Statistics Act, "official statistics" are defined as statistics so designated by the Statistician General in terms of Section 14 (7), and "statistics" are defined as "aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national, provincial or local level, which is compiled and analyzed according to relevant scientific and statistical methodology."

Section 3(2) specifies that official statistics must be "relevant, accurate, reliable and timely; objective and comprehensive; compiled, reported and documented in a scientific and transparent manner; be disseminated impartially; be accessible; be in accordance with appropriate national and international standards and classifications; and be sensitive to distribution by gender, disability, region and similar socio-economic features."

Section 6 of the Statistics Act stipulates that the President must appoint to the post of the Statistician General an appropriately qualified person for a term not exceeding five years, and that in the performance of his/her duties the Statistician General must be professionally independent by acting impartially and exercising his/her powers and performing his/her duties "without fear, favor or prejudice."

Other relevant Acts governing the compilation process of official statistics are: The Constitution of the Republic of South Africa; the South Africa Reserve Bank (SARB) Act No. 90 of 1989 (banking supervision); the Public Finance Management Act of 1999; Government Notices No.702 and 703 of April 20, 1956 (for Balance of Payments Statistics); the Public Finance Management Act, 1999, Service Act, and the Revenue Laws Amendment Act, No.53, of 1999.

Section 7(1) of the Statistics Act stipulates that the Statistician General "determines, and exercises final responsibility regarding the determination of the work program for Stats SA; formulating quality criteria and establishing standards, classifications and procedures for statistics, and, in terms of Section 14, promoting co-ordination among producers of official statistics, in order to advance the quality, consistency, comparability and optimum use of

official statistics, and to avoid unnecessary duplication; and endeavor to fulfill the Republic's international statistical reporting obligations.”

Section 14 (9) of the Statistics Act stipulates that “the head of any other organ of state must, within a reasonable period, supply the Statistician General with information he/she may request regarding any official or other statistics for which that organ is responsible; grant the Statistician General or any officer of SSA authorized by him unhindered access, without charge, to such information or data of that organ of state as the Statistician General requests, and to copy, without charge, any information or data which may be used in producing official statistics.” Coordination is enhanced through regular meetings of the South African Statistics Council, as well as frequent formal and informal consultations with data suppliers and users.

Section 17(1) of the Statistics Act stipulates that, “despite any other law, no return or other information collected by Statistics South Africa for the purposes of official or other statistics that relates to (a) an individual; (b) a household; (c) an organ of state; (d) a business; or (e) any other organization, may not be disclosed to any person, **except** with the prior written consent of the person from whom such return or other information was collected or his or her representative;” or where the information was already in the public domain.

Subsection 7(a) of Section 17 of the Act requires that “the Statistician General and every officer of Statistics South Africa must (a) before assuming duty, take an oath of confidentiality prohibiting disclosure of any information coming to his or her knowledge by reason of such duty before its release is authorized by the Statistician General, and (b) preserve, and promote the preservation of, confidentiality in respect of all information that may come to his or her knowledge by reason of such employment.”

Further, Subsection 17 of Section 14 requires that “every employee within the organ of state or body who is engaged in any joint collection with SSA or to whom such statistics are made available, must take an oath of confidentiality similar to that provided for in Section 17(7)(a), whether or not he or she has taken an oath of confidentiality in terms of any other law.”

In the case of the SARB, in addition to the above, Article 4 of Government Notice No. 702 states that any person employed in carrying out the provisions of these regulations who, without lawful excuse, reveals any matter or thing pertaining to individual persons which has come to his knowledge in the course of his official duties to any person whatsoever, or suffers or permits any person to have access to any records which pertain to individual persons and which are connected with carrying out of those provisions, shall be guilty of an offence and liable on conviction to a fine and/or imprisonment.

Section 18 of the Statistics Act specifies the categories of offences and associated penalties, including fines and/or imprisonment, for breaches of the provisions of the Statistics Act, including breaches of the confidentiality provisions.

The Statistics Act Section 16 (2) stipulates mandatory compliance with SSA requests for information, in verbal or written form, and Section 18 specifies penalties for noncompliance. Section 15 provides for authorized entry or inspection of premises by Stats SA officers, upon the issue of a warrant by a magistrate or a judge of a High Court.

### 35. Sri Lanka

The **Department of Census and Statistics (DCS)** produces and disseminates data under the Statistical Ordinance and Census Ordinance (1981), which gives it the authority to conduct censuses of population, housing, agriculture, livestock, trade, labor, industry, or commerce or other such matters as it deems necessary for ascertaining the demographic, social, or economic conditions of the inhabitants of Sri Lanka. Confidentiality of the individual data is guaranteed under the 1981 Ordinance which states "...no publication ... shall disclose or facilitate the identification of any particulars as being particulars relating to any individual person" and "Every person engaged in the collection and preparation of statistics under this Ordinance shall make a declaration in the prescribed form that he will not disclose or make use of any information supplied under this Ordinance." The DCS also has independence in determining release of data and methodology.

Confidentiality of data reported to the DCS is guaranteed under the Statistical Ordinance. It requires that every person engaged in the collection and preparation of statistics must make a declaration in the prescribed form that he/she will not disclose or make use of any information supplied under this Ordinance. Staff of the DCS is subject to a maximum penalty of one year in jail and/or a 1,000 rupee fine if they disclose confidential data. Only authorized staff is allowed access to the computer installations and systems.

The **Ministry of Finance and Planning** and the **Central Bank of Sri Lanka (CBSL)** work closely to collect, compile and disseminate government finance statistics (GFS). The CBSL, mandated with a debt management responsibility for central government, is required by law to collect and disseminate GFS and has significant authority to collect data needed to match this responsibility. Legislation does not assign primary responsibility for the compilation of fiscal statistics to a single agency.

The CBSL produces and disseminates statistics under the provisions of the Monetary Law Act, Section 35, which requires the Bank to submit to the minister in charge of Finance and Planning and to publish in an annual report a range of economic statistics. Additional data are produced for the analytical and policy needs of the Central Bank and are disseminated as a public service. The CBSL has independence with regard to release of data and methodology for compiling data. Confidentiality of reporting is ensured by Section 45 of the Act, which states that "...every officer of the Central Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any banking institution or of any client of such institution..."

Confidentiality of reporting to the CBSL is ensured under the MLA (section 45), and there have never been any known infringements of this responsibility. The CBSL



“Handbook/Manual” (Section 36) covers imposition of penalties for non-compliance with staff conduct (including for disclosure of confidential data) up to the dismissal of employment. Computer systems are also tightly controlled with individual passwords only allowing access to relevant data. Section 45 of the Monetary Law Act (MLA) states that every officer and servant of the Central Bank shall preserve and aid in preserving secrecy with regard to all matters (books, papers or other records) relating to the affairs of any data provider or of their clients. Infractions are considered an offence punishable by law. The CBSL staff signs a declaration to maintain secrecy with regard to any information or data that they will be in contact with during performance of their duties. The general guideline is that only CBSL senior management can, subject to disclosure rules in the *CBSL Manual*, sanction provisions of any unpublished information.

The MLA requires respondents to supply data on request. Section 26 of the MLA empowers the Director of DER to request information or data from any legal, physical, or public entity or person that is considered necessary, for the purposes of proper discharge of the functions and responsibilities of the central bank. These requests are in the form of CBSL directives to the relevant entity or person.

Section 34 of the Banking Act No. 30 of 1988, obligates all banking institutions to provide data to CBSL. Although legislation does not explicitly specify the format, periodicity, and timeliness for data reporting, all banking institutions have complied fully with CBSL data reporting directives. In this regard, the working relationship between CBSL and the banking institutions is considered to be entirely cooperative. Sections 79, 79a, 80, and 81 of the Banking Act specify penalties for non-compliance with CBSL directives.

Section 12 of the Finance Companies Act No. 77 of 1988 (with amendments through 1991) obligates finance companies to provide data to CBSL. Section 38 of that Act specifies penalties for noncompliance. Section 122 (2A) of the MLA mentions imposition of a fine not exceeding 3000 rupees, or imprisonment for a term not exceeding two years, or both fines and imprisonment for non-compliance with the provisions of the MLA. The Ordinance only imposes a fine for non-response of 50 rupees.

### 36. Sweden

The new Statistical Law that came into force on April 1, 2001 and the Statistics Ordinance specify the responsibility for compiling and disseminating Official Statistics. According to the Annex to the Ordinance, **Statistics Sweden** (SCB) is responsible for the compilation and dissemination of the main macroeconomic statistics, including government finance statistics. The legal framework for SCB is set out in the Instruction on Statistics Sweden (1988:137). Statutory provisions such as the Statistical Law and the Secrecy Act (1980:100). Chapter 9 protects the privacy of individual data and forbids the use of confidential data in litigation except in cases relating to the breach of statistical law. Rules and regulations aimed at avoiding disclosure of confidential data include penalties against the staff who disclose such data. Computer programs safeguard against the exposure of confidential data. Confidentiality of data is appropriately guarded during the process of their destruction.

The Statistical Law and the Regulation on Official Statistics govern the collection of data, and the provision of information, and also establish penalties in cases of noncompliance with the law. The Regulation on Official Statistics stipulates that collection of information for official statistics shall take into account the burden on respondents.

The responsibility of the **Sveriges Riksbank** for producing and disseminating monetary statistics derives from the Sveriges Riksbank Act (1988: 1385). Chapter 6, Article 4 of this Act states that the Sveriges Riksbank shall make public statistical data concerning foreign exchange and credit conditions on a continual basis. Chapter 6, Article 9 authorizes the Sveriges Riksbank to collect such information as is necessary to follow developments in foreign exchange and credit markets from credit institutions and other companies supervised by the Swedish Financial Supervisory Authority. The coverage of the information reported and the frequency with which it is to be reported are specified in the Code of Statute (1997:5) regarding the reporting of financial market statistics.

Chapter 8, Section 8 and Chapter 9, Section 4 of the Swedish Secrecy Act (1980:100, as amended 1986:618) contain provisions limiting public access to information collected by the Riksbank on the economic conditions (borrowing or commercial lending activities) and official statistics of a personal nature. Data that are reported to the Sveriges Riksbank by credit institutions, in either electronic or hardcopy form, are saved in a computer database at the level of the institution. Only a few persons in the Riksbank have passwords to access the database. Credit institutions that are reporting electronically only have access to their own data in the database. The collected data are the property of the Sveriges Riksbank and are subject to secrecy regulations in "Statistiklagen" (Act of Statistics). This regulates the access to and distribution of data to other persons or organizations.

The act of the Riksdag grants broad authority to the Sveriges Riksbank to determine what data are to be compiled and what monetary statistics are to be disseminated in support of economic and financial analysis. Chapter 5, Article 9 of the Sveriges Riksbank Act (1988: 1385) states that upon request of the Riksbank, a credit institution or other company supervised by the Financial Supervisory Authority shall provide the Riksbank with such information as the Sveriges Riksbank consider necessary to follow developments in the foreign exchange and credit markets.

Data are collected under the authority of the "Riksbankslagen" (the act of the Central Bank of Sweden). The Sveriges Riksbank Code of Statute regarding financial market reporting (RBFS 1997:5) is distributed to the institutions and is published on the Riksbank's Internet website. Report forms can be obtained from the Sveriges Riksbank. All institutions are requested to prepare their reports according to the Code of Statute and to submit the report forms every month by the 9<sup>th</sup> banking day at the latest. In case of delay they are reminded immediately.

### 37. Tanzania

The **National Bureau of Statistics (NBS)** was launched in March 1999 as an executive agency under the Planning Commission, replacing the former Central Bureau of Statistics (CBS) that was a government department. The former CBS derived its authority from the Statistics Ordinance No. 33 of 1961 (CAP 443), which related to the territories of Tanganyika, the Colony and protectorate of Kenya, and Uganda. The responsibilities of the CBS were: to take any census, to collect, compile, analyze, abstract and publish statistical information relating to the commercial, industrial, agricultural, mining, social, economic and general activities and condition of Tanganyika and the people thereof, generally to organize a scheme of economic and social statistics.

Section 8 of the Ordinance rules that no individual data will be published, admitted in evidence or shown to any person not involved in the compilation of statistics. Sections 9 through 10 give authorized officers the right to require any person to supply him with information necessary for taking censuses or other statistics, and to enter and inspect business premises and (in respect of censuses) dwellings for that purpose. Sections 11 and 12 state that every person employed in the execution of any duty under the Ordinance is required to make an oath or affirmation not to disclose information without due authority. Unlawful disclosure of information was punishable by paying a fine or by imprisonment.

A framework document signed by the Minister of State in the President's Office, defined the conditions under which the new NBS should be working. The document delineates status and governance of the NBS, its aims and objectives, and its organization. The framework document lays down rules on the respective responsibilities of the Minister, the NBS Director General, the Permanent Secretary, and a Ministerial Advisory Board. Finally, the document contains chapters on accountability, performance evaluation, finance, and personnel. In view of changes that took place after 1961, in particular the new status of the NBS as an autonomous body and coordinating agency of the statistical system, a change in the statistical legislation is currently under consideration.

The United Republic of Tanzania Financial Orders from the 1961 Exchequer and Audit Ordinance requires from accounting officers the submission to the Treasury and Controller and Auditor General of the **Ministry of Finance** a series of reports, returns and statements to account for the budget execution (both receipts and outlays of recurrent and development budgets). The Public Finance Act, 2000 that has been submitted to parliament in June 2000 makes the Auditor General responsible for the compilation of the government accounts

The compilation of data on foreign debt is governed by the Government Loans, Guarantees and Grants Act No. 30 of 1974, that empowers the Minister of Finance to raise loans and grants on behalf of the government. This Act also defines the institutional set-up for government debt management where the key central institutions are the Ministry of Finance, the Planning Commission, the Attorney General's Chambers and the Bank of Tanzania.

The activities of the **Bank of Tanzania** are governed by the Bank of Tanzania Act, 1995 (Act). With regard to data collection and compilation, Section 47 (1) of the Act requires that "Every bank and financial institution shall furnish to the Bank at such time and in such manners as may be prescribed by the Bank, such information as the Bank may require for the proper discharge of its functions and responsibilities". Data dissemination functions are granted to the Bank by Section 47 (2) and (3) which states that "The Bank may publish in whole or in part, at such times as it may decide, the information pursuant to subsection (1) of this section, but no information shall be published which would disclose the financial affairs of any customer of a bank or financial institution unless his written consent has first been obtained by the Bank. The Bank may require every bank and every financial institution to publish its balance sheet in newspaper of general circulation in Tanzania in such form and at such frequency as the Bank may prescribe." The Section 47 (4) of the Act also states that "The Bank may impose on any bank or financial institution which fails to furnish information required under this section, a penalty charge of not less than five hundred thousand shillings per day every day in which the failure continues and the penalty charge may be recovered by deduction from any balance of or money owing to the bank or financial institution concerned or as a civil debt."

The **Ministries of Education and Health** publish data collected from health facilities as part of the reporting requirement established under the mechanism for registering non-government facilities. All data are sent first to the District authorities, which are responsible for ensuring compliance.

### 38. Uganda

The **Uganda Bureau of Statistics (UBOS)** operates under the *Uganda Bureau of Statistics Act*, enacted in 1998. Under the provisions of this act, the UBOS "collects, compiles, analyzes, and publishes social, environmental, economic and national accounts statistics." The act makes the UBOS responsible for promoting cooperation, coordination, and rationalization among users and providers of statistics at the national and local levels, so as to avoid duplication of effort and ensure optimal utilization of scarce resources. The act also makes it the duty of all lead agencies to cooperate with the UBOS in carrying out its functions. Moreover, all initiatives by agencies other than the UBOS to conduct censuses and surveys at the national level are required to be presented to the UBOS for consideration and approval.

The act provides legal authority for the UBOS (Article 17) to be supplied with such information as may be prescribed, including powers of entry and inspection, as well as penalties (fines and/or jail terms) for noncompliance with requests for data. The act subjects the UBOS to provisions relating to the confidentiality of the information supplied to it (Article 19). Penalties that include fines and/or jail sentences upon conviction are prescribed for misuse of information by any person employed in the execution of any duty under the act (Article 29). The act requires the UBOS to release for general dissemination the statistical data that have been collected, after ascertaining their accuracy.

The activities of the **Bank of Uganda** are governed by the Bank of Uganda Statute, 1993. With regard to data compilation, Article 41, subsection 1 of the statute requires that "every financial institution shall furnish to the Bank in a manner prescribed by statutory instrument all information that may be required by the Bank for the proper discharge of its functions". Data dissemination functions are granted to the Bank by Article 41 paragraph 2 which states that "the Bank may publish in whole or in part information furnished to it under subsection 1 as the Board may determine". Confidentiality is assured to reporters also by Article 41 (subsection 3) which says "the Bank shall not publish or disclose any information regarding the affairs of a financial institution or of a customer of as financial institution unless the consent of the institution or the customer is obtained". Article 46 of the statute requires officers and employees of the Bank to make a declaration of secrecy with regard to any information obtained in the performance of their functions and prescribes substantial penalties for contravention of the declaration of secrecy. The Bank of Uganda Statute, 1993 was published in the "Official Gazette" dated May 14, 1993 and was published in the Bank's "Annual Report" of 1993/94. There is no legal requirement for the BOU to publish data.

### 39. Venezuela

The data produced and disseminated by the **Central Statistics and Information Technology Office** are governed by the Law on National Statistics and Censuses of November 27, 1944. Its provisions on confidentiality are contained in its Article 11. Article 2 requires that "All national or foreign residents of Venezuela and all national or foreign enterprises... shall be required to cooperate with the Federal Executive when the latter so requests, either by assisting with census operations ... or by providing data on the industry, artistic pursuit, occupation, profession, or activity in which they are engaged." Article 5 requires that "The Ministry of Development, through the Directorate General of Statistics, shall be exclusively responsible for National Statistics data collection, compilation, and publication. ..." Article 10 requires that "The Ministry of Development may officially order aggregate or average data, or statistical series, but in no way and under no pretext may it order or authorize the disclosure of individual data or the dispatch of single copies... related to a given individual or legal entity or to a given family or group of families." Article 11 requires that "Statistics officials may not disclose data collected or stored at the Directorate General of Statistics... or that come to their knowledge in any way as a result of their functions, before said data are officially released. At no time may they provide individual data extracted from aggregate statistics." Article 23 requires that "The Directorate General of Statistics shall be responsible for the compilation and publication of the Statistical Yearbook, for the National Population Census, periodic national publications,... the compilation and publication of studies and statistical charts of all types, and for all activities related to the dissemination of statistical data."

The National Assembly is considering changes to the Law on National Statistics and Censuses in order to grant the OCEI the role of coordinator of the system of national statistics and guarantee its legal authority in the development and promulgation of statistical information.

The **Government Finance Statistics Office** (OEFP) compiles data on government operations and central government debt for analytical and official policy purposes. These data are disseminated as a service to the public. The work involved is based on the Partial Amendment to Decree 1354 of December 29, 1999, Article 10 of which describes in detail the OEFP functions: "Article 10 requires that The functions of the Government Finance Statistics Office shall be as follows: a) To plan, direct, promote, and operate the organization and development of the Government Finance Statistics system; b) To formulate and develop the government finance statistics methodology on the basis of international standards for the preparation and use of the pertinent accounts, tables and indicators; c) To coordinate, standardize, and rationalize primary data collection and processing for the purposes of preparing government finance statistics; To develop and maintain a government finance statistics quality control system to ensure the reliability and timeliness of the statistics; To advise and provide technical assistance to the government agencies providing primary data for the government finance statistics system; To maintain Venezuela's correspondent function vis-a-vis multilateral agencies in the area of government finance statistics; g) To develop and maintain a system for collecting and disseminating information on government finance statistics in Venezuela; h) To compile and centralize the data necessary for achieving the purpose of the Commission and provide such data to any Ministry of Finance offices that request them; i) To send timely information to the Macroeconomic Analysis and Programming Office on the recording and processing of any data it obtains; and j) Any other activity assigned by the Minister of Finance."

Law on the **Central Bank of Venezuela** (BCV) of December 4, 1992 governs the preparation and dissemination of monetary, financial and external sector statistics. Article 1 states that "The Central Bank of Venezuela, created by Law of September 8, 1939, is a unique legal entity." Article 48 states that "Banks and financial institutions shall be required to provide the Central Bank of Venezuela with any reports the latter may request on their situation and any of their operations." Article 97 states that "Banks and other financial institutions shall be subject to fines of up to 0.5 percent of their paid-up capital and reserves in the event that, without good reason, they fail to provide or delay in providing reports requested by the Central Bank of Venezuela on any of their operations, as provided in Article 48 of this Law. In the event that data submitted in this regard prove false, the aforementioned fines may be increased up to 1 percent."

The BCV Law is currently being amended, and for that purpose, provisions of a proposed bill are being debated in the National Assembly. The new law expressly contains provisions empowering the BCV to collect statistical data provided that it guarantees the confidentiality of such data, so that the BCV can prepare quarterly reports on the behavior of the various economic sectors.

In the Rules and Regulations Governing Employees of the Central Bank of Venezuela, dated December 14, 1999, Chapter II on Staff Rights, Duties, Incompatibilities, and Responsibilities, Section 5, Article 12(b) of the Prohibitions, the following is stated regarding data confidentiality: "Without prejudice to the provisions of special laws and regulations, employees of the Bank shall be prohibited from: Disclosing any information related to their

work or the institution. Such information may be disclosed only by the Board of Directors, the President, the First Vice-President, or officials expressly authorized by them." The processes governing the preparation, dissemination, and confidentiality of statistics in general are set forth in the Law on National Statistics and Censuses (1944) in accordance with the criteria established by the United Nations (UN). This law is currently being amended and updated, with a view to making the OCEI responsible for coordinating the National Statistics System and guaranteeing its authority to collect statistical data.

#### 40. Yemen

The Statistics Act No 28 of 1995 (Statistical Act) governs the activities of the **Central Statistical Organization (CSO)** and units in ministries, institutions and other bodies of public and local administration carrying out statistical activities. The CSO disseminates data under Chapter 2 of the Act. Confidentiality of the reported data is guaranteed under Chapter 4. Article 5 states that all individual data concerning the respondents are confidential. Article 5 states further that publication of individual information is not allowed and nobody is permitted to be briefed on or to be informed about them without prior approval of the party concerned. In addition, Article 7 of Chapter 5 imposes a punishment of up to one year imprisonment or a fine of up to ten thousand Yemeni Rials (YR. 10,000) on individuals who violate confidentiality of the statistical information; and/or use directly or indirectly information that has not been published yet.

The Financial Law, requires that budgetary units (including local administrations) and extra-budgetary units submit to the **Ministry of Finance** monthly and quarterly data on their operations. The central government, the extra-budgetary units and the public enterprises are required to submit annual data to the Ministry of Finance for the preparation of the final accounts, three months after the end of the reference year.

Article 45 paragraph 1 of the Law on the **Central Bank of Yemen (CBY)** (Law No. 14 of 2000) empowers the CBY to collect, at the time and in the manner that it determines, information or statements from banks or financial institutions it requires in the pursuit of its functions and the exercise of its authority. Paragraph 2 states that the CBY may publish, completely or in part, and at the times it determines the information provided pursuant to paragraph 1. However, the CBY may not publish any information revealing the financial situation of any client of any bank or specified financial institutions unless it receives prior approval in writing. Article 45, paragraph 3, states that the CBY shall be responsible for the compilation of the country's balance of payments (and international investment position) statistics. It makes it mandatory on the part of public authorities, financial institutions, and other legal entities to supply information to the CBY for this purpose. The information submitted to the CBY is considered strictly confidential. Noncompliance with CBY's request and reporting false information constitutes a legal offense punishable by a court of law.

## **APPENDIX II. FUNDAMENTAL PRINCIPLES OF OFFICIAL STATISTICS**

*The Fundamental Principles of Official Statistics were adopted at the Special Session of the United Nations Statistical Commission 11-15 April 1994. These had previously been adopted during the 47<sup>th</sup> session of the United Nations Economic Commission for Europe, in Geneva on 15<sup>th</sup> April 1992.*

1. Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honor citizens' entitlement to public information.
2. To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.
3. To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.
4. The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.
5. Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.
6. Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.
7. The laws, regulations and measures under which the statistical systems operate are to be made public.
8. Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.
9. The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.
10. Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.



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