



Model Statistics Law in the Context of the African Charter on Statistics

1. INTRODUCTION

This document is intended to provide a general framework for the development of a statistical law based on the principles enshrined in the African Charter on Statistics (hereinafter called the Charter). By way of update, the Charter was adopted by the Twelfth Ordinary Session of the Assembly of Heads of State and Government of Member States of the African Union, held in Addis Ababa, Ethiopia, on 4 February 2009, with a view to strengthening the role of statistical information in decision-making for an even stronger and more united Africa. In July 2012, the Assembly invited African States to incorporate the principles of the Charter into their respective statistics legislation.

Most African countries have a statistical law. However, for a good number of them, this text predated the adoption of the Charter. To align themselves with the Charter, the States concerned have embarked on review or development of new statistical laws in order to keep abreast with the prevailing principles.

By way of a recap, a law is a set of legal norms which, emanating from the legislature, as opposed to decrees or regulations that stem from executive and administrative authorities, regulate such matters enshrined in the Constitution as civil liberties or the determination of crimes and misdemeanors. The law therefore means any general and impersonal rule resulting from collective will and imbued with binding force. It is thus possible to distinguish it from morals (which are not sanctioned by the coercion) and custom that emanates less from collective will than from tradition.

However, for a law to be acceptable, it must take cognizance not only of the Basic Law (Constitution), but also the social and cultural environment of the country, and the way and manner it could be understood and applied. The law educates the people, especially those primarily concerned with the issues it addresses, and penalizes individuals and legal entities for non-compliance. This principle must be clearly expressed.

At the time of actual review or development of a new statistical law, each State is supposed to effect adaptations useful and pertinent to their social and economic environment without diluting the cardinal principles of the Charter. Practices are not always the same in matters of legislation. Some countries formulate laws in great detail, while others limit themselves to

aspects they consider essential and consign "the details" to regulations (decrees and edicts). Each country has made progress in this field in accordance with its laws and practices.

The proposals hereunder represent the essentials of what can be legislated from the content of the Charter. They also refer to the Fundamental Principles of Official Statistics (FPOS) in so far as they cover the guidelines set forth in the two instruments. The summary Table in the Annex provides a comparison of the two instruments.

In this document, each Article proposed is reflected in a Table, with a title for the Article. The first line bears an explanation to justify the formulation of the Article proposed in the second line.

2. GENERAL METHOD TO BE ADOPTED FOR INCORPORATION OF THE PRINCIPLES OF THE AFRICAN CHARTER ON STATISTICS INTO A NATIONAL STATISTICS LAW

2.1. Indicative Plan of a Statistics Law

Given the diversity of practices in the domain of formulation of laws in countries, a model law, strictly speaking, will not be presented; rather, a set of Articles that could be organized in one text divided into chapters will be offered (and if necessary, the chapters could be grouped into titles and divided into sections). The law could be structured as shown in the Table hereunder.

This plan does not follow the order in which statistical principles are listed in the Charter. Similarly, to avoid repetition, all the criteria relating to the principles are not reflected in the law in the order of their presentation in the Charter.

Besides, some of the Articles presented below may be short or very long depending on the country. At the time of drafting the law, pertinent arrangements could be made in keeping with the law of each country. Finally, if need be, some of the Articles could be radically developed or carried over to the regulatory texts depending on country practices.

In the proposed legislation, elements of choice that have to be completed by the countries according to their practices have been placed in brackets.

Indicative Plan of a Statistics Law

Visas

Chapter 1: General Provisions

Article 1: Objectives of the Law

Article 2: Definitions of Terms and Concepts

Chapter 2: The National Statistical System

Article 3: Organization of the National Statistics System

Article 4: Responsibilities of the National Statistical System

Article 5: National Statistics Council

Article 6: Organization and Functioning of the National Statistics Council

Article 7: Appointment of Members of the National Statistics Council

Chapter 3: Organization of Official Statistics Production

Article 8: Statistics Production Programs and Plans

Article 9: Statistics Visa

Article 10: Professional Independence

Article 11: Data Quality

Article 12: Statistics Dissemination

Chapter 4: Protection of Personal Data

Article 13: Confidentiality of Statistics

Article 14: Sanctions for Violators of Statistics Confidentiality

Chapter 5: Obligations of Respondents of Statistical Surveys and Censuses

Article 15: Obligation to respond to Statistical Surveys and Censuses and make administrative records available

Article 16: Sanctions for Non-response or Inaccurate Response

Chapter 6: International Cooperation

Article 17: Sanctions for Non-response or Inaccurate Response

Chapter 7: Final provisions

2.2. Principles of the African Charter on Statistics

The principles set out in the Charter are listed below, each followed by its characteristic criteria.

Principle 1: Professional Independence

Scientific independence
Impartiality
Responsibility
Transparency

Principle 2: Quality

Relevance
Sustainability
Data Sources
Accuracy and reliability
Continuity
Consistency and comparability
Timeliness
Topicality
Specificities
Awareness-building

Principle 3: Mandate for data collection and resources

Mandate
Resource adequacy
Cost-effectiveness

Principle 4: Diffusion

Accessibility
Dialogue with users
Clarity and understanding
Simultaneity
Correction

Principle 5: Protection of personal data, information sources and respondents

Confidentiality
Rationality
Assurances to data providers
Objective

Principle 6: Coordination and cooperation

Coordination
Cooperation

3. PROPOSALS FOR A DRAFT STATISTICS LAW

The following proposal is consistent with the indicative plan. The content of the Chapters entitled "Visas" and "Final Provisions" has been left to the discretion of each country.

3.1. Title of the Statistics Law

Title of the Draft Statistics Law	
Explanation	"Statistics Law" is a generic title. It must be expressed in a clear language that summarizes its objective. "Activity" is in singular so as to focus not on plurality but on the definite. However, the use of the term "activities" is also acceptable.
Title proposed for the law	<i>Law No.... Organizing Statistics Activity ... [Activities] in [name of country]</i>

3.2. Visas

[This chapter is to be prepared by each country in accordance with its practices].

3.3. Chapter 1: General Provisions

Title of the Draft Statistics Law	
Explanation	The law must indicate its purpose and the issues covered. In the circumstance of decentralized national statistical system which characterizes most African countries, it is important to clarify what issues the law addresses. In this specific case, the focus is: <ul style="list-style-type: none"> - Administrative and technical organization of statistics production; - Statistical data production principles; - National coordination of activities.
Formulation proposed for Article 1	<i>The objective of this law is to determine statistical activities organization in [name of</i>

	<i>country]. It defines the basic principles for the production of official statistics, the institutional framework for statistics production and the modalities for coordination of statistical activity [statistical activities] within the national statistical system.</i>
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Article 2: Definitions of Terms and Concepts	
Explanation	<p>It is important for users to have the same way of understanding the terms which may be confusing in the text where several interpretations or meanings of the same word are possible. Indeed, it is not obvious that all readers would give the same meaning to the same word. Each country could develop its own list. For example, the following words or groups of words might deserve a definition for inclusion in the legislation:</p> <ul style="list-style-type: none"> - Official statistics or public statistics - National statistics system - Administrative records - Statistics dissemination - Confidential data - etc. <p>However, where a term has already been defined and accepted by international or continental recommendation, such definition should be used in place of that which may be proposed at national level.</p>
Formulation proposed for Article 2	<p><i>For the purposes of this law:</i></p> <p><i>(1) official statistics or public statistics means information obtained by means of data processed with the aim of characterizing a given population for implementation of an official statistics program by the</i></p>

	<p><i>competent authorities¹;</i></p> <p><i>(2) official statistics or public statistics refers to numerical information concerning all areas of the life of a Nation, obtained through appropriate processing with the use of statistical methods by all components of the national statistical system;</i></p> <p><i>- national statistical system means all public services and institutions, the main activity of which (that is, activity that benefits over 50% of its resources) is the production of statistical data;</i></p> <p><i>- administrative records means all records held by a public authority or parastatal, private company or a law NGO [name of country] and containing information that can be exploited through statistical methods for the purpose of dissemination as official statistics;</i></p> <p><i>- statistics dissemination means the provision of official statistics to users on all kinds of free access facilities, with the exception of confidential data;</i></p> <p><i>- confidential data refers to data obtained from statistical units which cannot be identified directly or indirectly because they are protected by other laws;</i></p> <p><i>- etc.</i></p>
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¹ Two optional definitions have been proposed.

3.4. Chapter 2: The National Statistical System

Article 3: Organization of National Statistical System	
Explanation	<p>The cartography of the key stakeholders in statistics production should be well known to the public. Its establishment enhances the transparency and accountability of producer services.</p> <p>Detailed definition of the stakeholders is necessary to underline the uniqueness of the national statistical system. Accordingly, all the work undertaken in the services under the system will be known to everyone in the context of a work program.</p> <p>In accordance with national practices, the provisions relating to status, functions, operation and financing mode may be included in the statistics law or consigned to specific texts².</p> <p><u>Principle 1: Professional Independence (Transparency).</u> <u>Principle 3: Mandate for data collection and resources.</u> <u>Principle 6: Coordination and cooperation</u></p>
Formulation proposed for Article 3	<p><i>The national statistical system refers to all the public services with the mission to produce official statistics on all areas of the life of the Nation.</i></p> <p><i>It shall be composed of the National Institute of Statistics, which is the central organ, the services producing official statistics attached to government departments, public institutions and parastatals and national public statistics training colleges. Their status and functioning shall be defined by specific texts.</i></p> <p><i>The list of services and institutions within the national statistical system shall be determined each year by the competent authorities in collaboration with the National Statistics Council defined in Article [No. of Article] of this law.</i></p>

² The last option is followed in most French speaking countries.

Article 4: Responsibilities of the National Statistical System	
Explanation	<p>To guard against multiple sources of statistical information that do not meet the standards of official statistics, it is useful to clarify the responsibilities of the competent authorities in this regard. Accordingly, data produced by non-governmental organizations, private companies and international organizations through operations, particularly compilation of data unofficial in nature and without the approval of the relevant national authorities, are excluded from being considered as official statistics.</p> <p>Data collection must be clearly indicated in the functions of the services in question.</p> <p>Responsibility of the services within the national statistical system is also evidenced by the availability of the resources required for their work. In this regard, the concerned services must ensure that they have adequate resources to discharge their missions. The resources are derived from the State budget and external grants.</p> <p><u>Principle 3: Mandate for data collection and resources.</u> <u>Principle 6: Coordination and cooperation.</u></p>
Formulation proposed for Article 4	<p><i>The collection, processing and dissemination of official statistics to meet the needs of the State fall within the purview of public services and institutions that constitute the national statistical system. Such data may be disseminated only by the services which produced them after the approval of the National Statistics Council established under Article [No. of Article] of this law.</i></p> <p><i>Public services and institutions within the national</i></p>

	<p><i>statistical system shall receive the requisite and adequate resources spelt out in the finance laws in accordance with the procedures in force and the resources mobilized through international cooperation.</i></p>
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Article 5: National Statistics Council - NSC

	<p>The statistical system of most African countries is decentralized. It comprises central administrations and institutions endowed with management autonomy. The relations between the different components must therefore be well defined to ensure smooth management of the system.</p> <p>In the same vein, coordination and consultation on statistics projects allow for the optimal use of the means of work (State resources, work tools such as survey benchmarks and nomenclatures) through a shared programming of activities. Coordination of activities within the national statistical system ultimately contributes to the production of quality statistics.</p> <p>This coordination should be legislated and regulated from two angles: namely, political and technical.</p> <p>On the political front, statistical coordination consists of several models that may be summarized in two.</p> <p>The first model involves the establishment of a body consisting of <i>ex officio</i> personalities: representatives of government departments having statistics sections, the National Assembly, employers' organizations and trade unions, the academia and research centers, consular chambers, institutions with statistics sections and citizens. This body will be chaired by a member of the Government and the secretariat, another member of the Government or by the Director General of the National Institute of Statistics.</p>
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	<p>This model contains more flaws than virtues:</p> <ul style="list-style-type: none"> - The body brings together a very large number of members and the debates are thus hardly audible and are not followed by the expected effects; - Representativeness is often not what anyone would expect, with most of the <i>ex officio</i> appointees represented by collaborators who have not been given specific instructions; - The frequency and duration of meetings are erratic, the president of the body often unavailable to devote time to such meetings; - The conclusions of the meetings are most often found in the office of the Minister in charge of Statistics who finds it difficult to get them accepted and applied by other departments. <p>With regard to technical coordination, the role of the NSC is to rule on the validity of the multi-annual work program, action plans and activity reports. This, in reality, entails the NSC examining the conformity of statistical programs with agreed methodologies, concepts and definitions, compliance with the principles of production of official statistics, activities financing, etc.</p> <p>Implementation of the Charter as well as the FPOS, particularly professional independence, will require the establishment of a structure for control and regulation of the application of the principles of objectivity. It is therefore proposed that the National Statistics Council take charge of the regulation.</p> <p>The second model attempts to correct the first:</p> <ul style="list-style-type: none"> - It limits the number of members but involves all stakeholders through a system of rotation; - Members are not appointed <i>ex officio</i> but in their personal capacity depending on their competence or the job positions they occupy.
Formulation proposed	

for Article 5

A National Statistics Council, hereinafter known as Council with the acronym NSC, is hereby created, with responsibility for coordination of activities within the national statistical system.

The Council assists the Government in the organization of statistical activities within the national statistical system. It oversees the production and dissemination of official statistics. Accordingly, the Council shall be tasked to:

- propose national statistics policy guidelines to the Government through multiannual statistics development programs, and see to the proper implementation of such programs;*
- examine and advise on the annual national program of statistical activities, ensuring that the relevant services and bodies have the human, financial and material resources required for its implementation;*
- examine and advise on the annual activity report of the national statistical system;*
- see to the formulation of national standards, especially concepts, definitions and nomenclatures, and of methodologies for the gathering and processing of statistical data in accordance with international standards, and their proper use by all services within the national statistical system;*
- proffer opinion on draft legislative and regulatory texts in respect of statistical activity, including texts that institute national statistical surveys and censuses;*
- animate and bolster cooperation between components of the national statistical system at all stages of statistical data production;*
- animate and develop dialogue between statistics producers and users;*

	- <i>provide Government with any advice useful for the development of statistics in [name of country].</i>
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Article 6: Organization and Functioning of the National Statistics Council	
Explanation	<p>Working in plenary sessions, the NSC is to organize itself in thematic committees to effectively discharge its missions. The number of such committees and their functioning has to be determined by the Council itself (the said committees could also be organized in sub-committees to cover the key areas of statistics). For example, the following committees may be established:</p> <ul style="list-style-type: none"> - Ethics, regulation and sanctions committee: to monitor the consistency of statistical operations, compliance with methodologies, concepts and definitions and the application of specifications and FPOS, and proposes sanctions against violators of the rules through the competent authority; - Programs Committee: to be responsible for preparing work programs and action plans; - Monitoring/evaluation Committee: to be responsible for monitoring the implementation of work programs and action plans and the preparation of the activity report of the national statistical system. <p><u>Principle 6: Coordination and cooperation</u></p>
Formulation proposed	<p><i>For the purposes of its operation, the Council shall rely on the thematic committees listed below:</i></p> <ul style="list-style-type: none"> - <i>Ethics, regulation and sanctions committee tasked to monitor the consistency of statistical operations, compliance with methodologies,</i>

for Article 6

concepts and definitions, and the application of the rules of professional conduct, and to propose sanctions to the competent authorities against professionals who violate these rules;

- Programs Committee responsible for preparing work programs and action plans;

- Monitoring and Evaluation Committee responsible for monitoring the implementation of the work programs and action plans, and the preparation of the activity report of the national statistical system.

In addition to technical preparation of issues on the agenda of Council sessions, the thematic committees shall be responsible for all matters that fall under its purview.

The powers, composition and functioning of the thematic committees shall be defined [text, competent authority] on the recommendation of the Council.

The transformation, revocation or creation of thematic committees shall be effected [text, competent authority] in accordance with the laws and regulations in force.

The Council shall meet once a year in ordinary session prior to the National Assembly budget session and, if need be, in extraordinary session at the instance of its chairperson or at the request of not less than two-thirds (2/3) of its membership. Council meetings shall be held on the national territory and produce a report for submission to the authority to which the Council is attached, a copy of which shall be forwarded to the Minister in charge of Statistics.

The Council sessions shall produce a report for submission to the [competent authority] within fifteen (15) days following the end of the meeting.

Article 7: Appointment of Members of the National Statistics Council	
Explanation	<p>The president and members of the Council shall be appointed on time-bound mandates by a sufficiently high authority in the hierarchy of Government structure.</p> <p>To ensure proper organization of work, the term of office of the president and the other members shall be different. The Committee shall be composed of all the stakeholders.</p> <p>The Director General of the NIS shall be a permanent member of the NSC, in his capacity as head of the central organ of the system. The Director General shall not be excluded from the work of the NSC.</p> <p>In addition, the functions, mode of appointment of the president, the composition and appointment of members, the modalities of their rotation and appointment of the secretariat staff in accordance with the prevailing practices of each country, shall be spelt out in the law or be consigned to specific texts.</p>
Formulation proposed for Article 7	<p><i>The president of the National Statistics Council shall be appointed by [name of authority] for a term of four (4) years, renewable once. Apart from the president and the Director General of the National Institute of Statistics who are permanent members, the Council shall be composed of [number] members, some [number] of whom shall be drawn from the components of the national statistical system, and the rest appointed from among major state institutions, parliamentarians, employers' and labor union organizations and the civil society.</i></p> <p><i>The Director General of the National Institute of</i></p>

	<p><i>Statistics shall serve as the rapporteur of the Council.</i></p> <p><i>Council members are appointed in their personal or official capacity by [nature of the text, competent appointing authority] for a term of three (3) years, renewable once. The renewal conditions shall be defined in the letter of appointment [text].</i></p> <p><i>Any member who loses the capacity on the basis of which he/she was appointed ceases, ipso facto, to be a member of the Council. His/her replacement shall be appointed on the same conditions as those stipulated in paragraph [No ...] of this Article.</i></p> <p><i>During sessions of the Council, the president may invite any person of his choice for reasons of his/her competence with respect to the items on the agenda.</i></p>
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3.5. Chapter 3: Organization of Official Statistics Production

Article 8: Statistics Production Programs and Plans	
Explanation	<p>To boost statistical work, it is important to include in the law, general procedures for development of medium-term work programs and annual action plans. Lack of organization often renders these tools insufficiently exploited for the development of statistics. It is not necessary to repeat <i>in extenso</i> in the law, already tested processes of formulating national strategies for statistical development, but rather to enshrine in the law the obligation to have such tools.</p> <p><u>Principle 1: Professional Independence. Principle 4: Diffusion. Principle 6: Coordination and cooperation</u></p>
	<p><i>Official statistics production shall be effected within the framework of statistics [three-year,</i></p>

<p>Formulation proposed for Article 8</p>	<p><i>four-year, five-year] program which includes all the operations to be undertaken in a given period, particularly national statistical data gathering operations. Each program shall define the strategy for its implementation, the expected outcomes, the various stakeholders and an evaluation of the related financing and funding sources.</i></p> <p><i>Each year, the program [three-year, four-year, and five-year] is translated into an action plan in accordance with the budget capacities for statistics production set forth in the Finance Law.</i></p> <p><i>The [three-year, four-year, five-year] work program shall be developed by the NSC and approved by Government. The annual action plan shall be developed by the NSC and transmitted to the Government for adoption not later than three months before the parliamentary session devoted to the adoption of the Finance Law of the relevant financial year.</i></p>
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<p align="center">Article 9: Statistics Visa</p>	
<p>Explanation</p>	<p>Despite the existence of a statistics program or statistics activities plan, it is important to get the official seal on surveys and censuses of national coverage. This visa is proof that the operation has been authorized and thus takes respondents into confidence. The introduction of statistics visa for the conduct of statistical surveys and censuses reinforces technical coordination.</p> <p>The dossier to be submitted must refer primarily to the project document of the relevant operation. In other words, the dossier will allow for assessment of the degree of progress in the preparation of the operation and its inclusion in the activities program of the NSS.</p>

	<p>The purpose of the deadline for submission of dossiers must be not only to eliminate the programming of "spontaneous" operations, but also to give enough time for those responsible for considering the dossiers to formulate their opinion for submission to the Minister in charge of Statistics and the NSC.</p> <p><u>Principle 1: Professional Independence. Principle 4: Diffusion. Principle 6: Coordination and cooperation</u></p>
<p>Formulation proposed for Article 9</p>	<p><i>The services within the national statistical system wishing to conduct a statistical survey or census, except opinion poll, shall constitute a dossier containing a project document made out in the proper form.</i></p> <p><i>The project document shall specifically mention:</i></p> <ul style="list-style-type: none"> - <i>The appellation of the department responsible for the operation;</i> - <i>The full title of the operation;</i> - <i>Description of the objectives of the operation;</i> - <i>A brief description of expected outcomes;</i> - <i>The geographic and demographic coverage of the operation;</i> - <i>A summary of the methodologies deployed for data collection, processing, analysis and dissemination;</i> - <i>Description of the specific technical competencies available to conduct the operation and, possibly, the needs to be sought from within the national statistical system or from outside;</i> - <i>Sources of funding;</i> - <i>The time lines for the activities, including the release date of the main results.</i> <p><i>Where the operation has already received</i></p>

	<p><i>Government authorization, the relevant document testifying to such approval shall be attached to the dossier. The same shall be the case for operations that are the subject of external financing agreements.</i></p> <p><i>In all cases, the description of the financing sources shall distinguish between self-financing and financing solicited from the State budget for external financing.</i></p> <p><i>The statistics visa application dossier shall be addressed to the Minister in charge of Statistics, with a copy endorsed to the Director General of the National Institute of Statistics, not less than three months before to the ordinary session of the Council.</i></p> <p><i>An acknowledgment of receipt mentioning the date of submission and the list of the documents contained in the dossier shall be communicated to the requesting service.</i></p>
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Article 10: Professional Independence	
Explanation	<p>Statistical services work under no influence. They shall be guided only by methodological considerations; and shall not modify methods or definitions and concepts to satisfy pressure groups. The tools used have to be made available to all interested parties. The sources from where the services draw the basic data have to be known to allow users to make their own assessment of the quality of official statistics.</p> <p>At the end of data collection, metadata shall be produced and made available to users on condition that they observe statistical confidentiality.</p>

	<p><u>Principle 1: Professional Independence; Principle 5: Protection of personal data, information sources and respondents</u></p>
<p>Formulation proposed for Article 10</p>	<p><i>The services within the national statistical system shall enjoy scientific independence and perform their duties in accordance with generally recognized methodological and technical rules of official statistics.</i></p> <p><i>They shall establish official statistics in accordance with criteria that allow for their practical use and make them available and accessible to all citizens in all objectivity and impartiality.</i></p> <p><i>Individuals and legal entities subject to statistical data collection operations shall be informed, by appropriate means, of the legal and institutional framework in which statistical data are produced. They shall also be informed of the objectives sought by the statistical surveys and censuses or other operations undertaken, the purpose of the data collected, data collection and data processing methods, the facilities and timeline for dissemination of data collected, as well as the measures taken to ensure and guarantee the confidentiality and protection of personal information.</i></p>

Article 11: Data Quality	
<p>Explanation</p>	<p>The quality of data as defined in the African Charter on Statistics covers statistical relevance (meet the needs of users), sustainability (conservation of basic data), quality of basic data sources, accuracy and reliability (reality), continuity (comparability over time), coherence and comparability (internal coherence and international comparison), timeliness</p>

	<p>(dissemination according to pre-determined calendar), topicality (related to current and topical events), specificity (adaptation of the methodologies to each country) and awareness-building (advocacy with the public).</p> <p>Data quality is the direct outcome of the organization of statistical activities. It therefore depends on the organization of the national statistical system, the way and manner it is managed and the methodological tools deployed. As a matter of fact, all the five (5) other principles of the Charter converge to give "quality" to the data.</p>
<p>Formulation proposed for Article 11</p>	<p><i>The services within the national statistical system shall freely decide the sources of basic data collection for the production of official statistics taking into account the cost of collection and the burden on respondents.</i></p> <p><i>The sources of data and the processing methods shall facilitate the production of official statistics comparable to international standards, through tested scientific methods adapted to [name of country].</i></p>



<p>Article 12: Statistics Diffusion</p>	
	<p><i>Dissemination</i> is the key function of an NIS. An NIS which does not publish moves inexorably towards death. In general terms, the role of the services within the national statistical system is to provide independent, objective and transparent statistics to Government to enable it to make the best policy choices; to enterprises to enable them to make better strategic and operational choices, to academicians and</p>

<p>Explanation</p>	<p>researchers to conduct their studies on the basis of quality data (evidence-based studies), and to citizens to enable them to make judgments about implemented policies and thereby contribute to the consolidation of democracy.</p> <p>Accordingly, the services within the national statistical system are to facilitate availability of the statistical data produced to a wider public by developing an approach oriented to the culture of public service. This culture is anchored on user satisfaction, independence and impartiality of producer services, observance of the confidentiality of personal data, and the responsibility and commitment of the staff of producer services.</p> <p>To succeed in its mission of data dissemination, the national statistical system has to clearly identify the users to whom it directs its products, and define appropriate dissemination facilities to reflect the concerns of the beneficiaries of the service. Beneficiaries fall broadly into two categories: namely, generalists and specialists.</p> <p>According to the general system of data dissemination, the timing of dissemination of statistics has to be known in advance and communicated through appropriate channels to all users. No discrimination should be practiced, thus enabling everyone to access the data at the same time.</p> <p>On the other hand, the interpretation and use of official statistics have to comply with strict scientific discipline, failing which violators expose themselves to the sanctions set forth in the Criminal Code governing the circulation of information likely to disturb public order.</p> <p><u>Principle 2: Data quality; Principle 4: Diffusion</u></p>
<p>Title proposed for Article 12</p>	<p><i>Users shall have free and unrestricted access to official statistics. The services within the national statistical system shall ensure that official</i></p>

	<p><i>statistics, the outcome of their work as set out in statistics plans and work programs, are relevant, unambiguous and accessible to all users on the appropriate facilities. To this end, they shall publish a dissemination calendar for the results of statistical surveys and censuses as well as the outcomes of the statistical exercise, the results of which shall be made available to users on regular basis.</i></p> <p><i>The dissemination of personal data shall be protected by statistical confidentiality pursuant to Article [No ...] of this law.</i></p> <p><i>The interpretation and use of official statistics likely to disturb public order are strictly prohibited. Violators will be prosecuted in accordance with the provisions of the Criminal Code governing the circulation of false information likely to disturb public order.</i></p> <p><i>The heads of the public services concerned by the use of inaccurate information or by its erroneous interpretation shall make a motivated correction to such situations within seven (7) days, with notification to the offenders, and publish same in the appropriate official media.</i></p>
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Chapter 4: Protection of Personal Data

Article 13: Statistics Confidentiality	
	<p>The services within the national statistical system are required to respect the private life of individuals and corporate entities subjected to statistical operation. All elements leading to direct or indirect identification of a person (individuals and corporate entities) shall be protected. Non-compliance with this provision may make the work of statisticians unreliable and</p>

<p>Explanation</p>	<p>encourage reluctance on the part of respondents.</p> <p>Access to micro-data is often not easy owing to the absence of mechanisms that protect personal data. Observance of statistical confidentiality should address this issue.</p> <p><u>Principle 5: Protection of personal data, information sources and respondents.</u></p>
<p>Formulation proposed for Article 13</p>	<p>Any person involved in the conduct of a census or statistical survey or other statistical operation is bound by statistical confidentiality.</p> <p>In this regard, the personal data collected by the services of the national statistical system shall not be disclosed in any way except as expressly authorized by the individuals or corporate entities concerned.</p> <p>Information of personal nature on individuals or corporate entities on the individuals or corporate entities indicated on the questionnaires at the time of statistical surveys or censuses shall not be the subject of communication outside the services responsible for the said statistical operations where the statistics are used. In any case, personal data collected shall not be used for purposes other than dissemination and publication of aggregated statistics results.</p> <p>In any event, the personal data defined in Article 2 of this law shall not be passed on to people who have not contributed to their establishment and shall not be used for the purposes of prosecution or for fiscal or criminal sanction.</p> <p>·</p> <p>However, subject to special authorization of the authority in charge of protection of the privacy of individuals and corporate entities, personal data, with the exception of data on the health and sexual life of individuals, may be communicated, after consultation with the National Statistics Council and the service that collected the</p>

	<p>relevant data, to private persons or public entities for the needs of scientific research or for economic or social studies. Persons receiving such data are bound by statistical confidentiality and shall not transmit them to other physical persons or corporate entities for any reason whatsoever. The results of such studies shall not lead people to recognize by name, the persons to whom the data makes reference.</p>
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Article 14: Sanctions for Violators of Statistics Confidentiality	
<p>Explanation</p>	<p>Any law has its binding side. Non-compliance exposes the violator to sanctions. The law is binding on officials of the national statistical system. Texts of law punish non-compliance with confidentiality on the part of public officials. Cases in point are staff rules and regulations, labor code, penal code and others.</p> <p>With regard to respondents, the sanctions to be defined have to respect the substantive law and the jurisprudence of each country.</p> <p><u>Principle 5: Protection of personal data, information sources and respondents. Confidentiality.</u></p>
<p>Formulation proposed for Article 14</p>	<p><i>Officials in the services of the national statistical system found to have violated the provisions of Article (No. of Article on Statistical Confidentiality) of this law shall be liable to sanctions for violation of professional secrecy laid down in the penal code and the pertinent provisions contained in special texts regulating the staff rules in respect of the officials concerned.</i></p> <p><i>Where an official has been sued by a third party for violation of statistical confidentiality, the public</i></p>

	<i>authority shall cover the said official in terms of the civil sentence passed against him/her. It shall then devolve on the administration to which the official belongs to prosecute him/her.</i>
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Chapter 5: Obligations of Respondents of Statistical Surveys and Censuses

Article 15: Obligation to respond to Statistical Surveys and Censuses and make administrative records available	
Explanation	<p>The services within the national statistical system cannot collect data from physical and legal persons unless the latter submit to the statistical surveys and censuses and other data collection operations, especially access to administrative records.</p> <p>The quality of data depends on such acceptance. Despite the publicity made with respect to data collection operations, respondents are under obligation to release the information.</p> <p><u>Principle 2: Data Quality</u></p>
Formulation proposed for Article 15	<p><i>The legal and physical persons subjected to statistical surveys and censuses shall respond accurately and within the set deadline to the questionnaires used for such operations.</i></p> <p><i>Legal persons required to provide the relevant statistical services of the national statistical system with administrative records for the purpose of statistical exploitation, shall furnish such records to the services in question not later than (number) days from the date of receipt of the request submitted by the statistical service concerned.</i></p> <p><i>At the request of the Minister in charge of Statistics, after consultation with the National Statistics Council, information of economic or financial nature held by a legal person shall be</i></p>

	<i>released to the services within the national statistical system for the exclusive use to establish statistics, where such information is sought for the needs of obligatory statistical surveys that have been given the statistics visa.</i>
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Article 16: Sanctions for Non-response or Inaccurate Response	
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Explanation	<p>The quality of official statistics largely depends on the quality of data collected. Accordingly, individuals and corporate entities have a great responsibility in the collection of basic data for the production of official statistics.</p> <p>In reality, it is often difficult to apply the provisions regarding sanctions against non-respondents. The sanction has to remain at symbolic level despite the negative impact of inaccurate or incomplete data on official statistics.</p> <p><u>Principle 2: Data Quality</u></p>
Formulation proposed for Article 16	<p><i>In the event of failure to respond accurately and in a timely manner, the competent authority of the statistical operation shall address to the defaulting legal person a formal notice by registered letter with acknowledgment of receipt indicating an additional timeline for a reply. This period may not exceed [number] days.</i></p> <p><i>At the expiry of the new deadline, fines may be imposed on the legal persons that have not responded or have knowingly made false statements. Payment of a fine does not preclude prosecution in accordance with the extant provisions condemning false statement.</i></p> <p><i>The amount of fine shall be determined according to the seriousness of the offense and the circumstances in which it was committed. For a physical person, the fine (amount) shall be (a percentage) based on business turnover for the previous year where a private company is</i></p>

	<p><i>involved; or a percentage of the previous year's wage bill where a legal entity that does not realize business turnover or a parastatal organization is involved.</i></p> <p><i>The procedures for establishing offenses and determining fines and penalties shall be defined by a special text in accordance with the laws and regulations in force.</i></p>
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1.3. Chapter 6: International Cooperation

Article 17: Sanctions for Non-response or Inaccurate Response	
Explanation	<p>Cooperation is vital for the development of statistics in countries. Many technical and financial partners contribute to the exercise. The provisions hereunder are intended to ensure coordination of such cooperation which, in keeping with the decentralized framework of the national statistical system, is dispersed all over the departments without meaningful monitoring.</p> <p><u>Principle 6: Coordination and cooperation</u></p>
Formulation proposed for Article17	<p><i>Under the authority responsible for international cooperation and the technical responsibility of the National Institute of Statistics, the services within the national statistical system shall work with all the partners of friendly countries and with sub-regional, regional and international organizations in furtherance of international cooperation with the aim to reflect the positions of [name of country] in the field of statistics and participate in its international development.</i></p>

1.4. Chapter 7: Final provisions

[This chapter is to be prepared by each country in accordance with its practices].

