

CARIBBEAN

COMMUNITY

SECRETARIAT

TWENTY-EIGHTH MEETING OF THE

RESTRICTED

STANDING COMMITTEE OF
CARIBBEAN STATISTICIANS

SCCS/2003/28/27

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3 - 5 November 2003

5 November 2003

**A BRIEF REVIEW OF STATISTICAL LEGISLATION – KEY ENABLING ELEMENTS
FOR THE IMPROVEMENT OF STATISTICS IN THE REGION**

1. INTRODUCTION

The collection of official statistics requires the existence of legislation to authorise or legitimize the process and to define the procedures, code of conduct, protection/confidentiality provisions and penalties that govern the collection, compilation, analysis and dissemination of the information. The Statistics Act is therefore a *critical feature in the management or the governance of statistical systems*, as well as *in the capacity of statistical offices to realize outputs that are reliable and timely*.

2. Exploratory as it is, this paper seeks to place on the agenda this fundamental issue relative to the capacity of our statistical offices to become effective, relevant and to allow for adaptability and flexibility to meet the challenges of a dynamic external environment. A critical activity is that of the coordination of the national statistical system and how that can be enhanced.

3. In addition, in considering the development of a statistical programme for the Region, it is imperative that at the national level there is effective legislation to enable compliance by data providers and to allow for a more effective national and regional approach and inter-relationships relative to the establishment of a common minimum statistical programme and the compilation of harmonised statistics. On the issue of harmonisation more effective measures to institutionalise the

internal standardisation of concepts, methods and the streamlining of activities across the statistical system, should be effected which should feed into/ facilitate the common regional approach.

4. This Paper therefore, is simply bringing forward this issue for the further consideration of the Standing Committee, reviewing key aspects of the general contents of any statistics act, a brief comparative look at the statistics acts in a couple of developed countries and the identification of some main issues for the future improvement of these acts.

2. KEY ASPECTS OF STATISTICS LEGISLATION

5. Among some of the key items addressed in any Statistics Act are

(i) Status of the Office

Statistics Legislation should grant statistical agencies some level of autonomy. Professional independence ensures the creditability of these agencies and the official statistics which they produced;

(ii) The Units/Departments to which The Statistics Act apply

The Units/Departments to which The Statistics Act applies should be stated. It is necessary to broaden the coverage of statistical legislation to include not only the Central Statistics Office but all other statistics producing units within other agencies and ministries. This would ensure the integrity and professional independence of statistics produced by these agencies and ministries.

(iii) The Authority under the Act – the Power of the Chief Statistician/Director to issue Requisition for Information

Statistical agencies should have the legal power to collect all the data needed to fulfill their purposes. The Chief Statistician/Director should have both the power to request information on a voluntary basis as well as the power to require the provision of information.

(iv) **Co-ordination of the Statistical System**

Provision should be made for inter-agency coordination in the statistical system and the process to assign areas of responsibility in specific areas of statistics to statistical agencies should be established. The principal agency, that is, The National Statistical Office should have a coordinator role with responsibility to coordinate and integrate the statistical activities of all statistics producing agencies in the government services according to recognised technical standards. This agency should also be responsible for developing and updating the statistical program in response to user needs.

(v) **Confidentiality and Disclosure of Information**

The Statistics legislation should guarantee the protection of the confidentiality of individual responses. This is essential for building and maintaining confidence in the national statistics system for its effective functioning.

(vi) **Penalties**

Categories of offences and associated penalties for breaches of the provisions of The Statistics Act should be clearly stated as this relates to both persons collecting statistics information and providing statistics information.

6. The Statistics Act should also specify the extent to which the national statistical system can decide on what outputs should be produced since it is not always possible to identify some areas of statistics in sufficient time to include them in the legislation.

7. Given the new and increasing demands for data and the changes due to increased globalisation and advances in information communication technology, the compilation of Statistics Acts of Member States is a starting point to see what changes or modernisation are required in the national statistical systems to meet these challenges.

3. THE STATISTICS ACTS IN THE REGION - A SYNOPSIS

8. In response to the request made by The Secretariat for the National Statistics Offices of Member States to submit their Statistics Acts during 2002, The Statistics Sub-programme received The Statistics Acts for Antigua and Barbuda, The Bahamas, Barbados, Belize, Guyana, Trinidad and Tobago and Anguilla. These were reviewed, and Attachment 1 to this paper tables some of the main issues addressed in these Acts.

9. Most of the legislations governing the activities of National Statistics Offices in the Region are dated. The Statistics Acts of both Belize and Anguilla were updated in 2000, while in Trinidad and Tobago, Barbados and Guyana The Acts were updated in 1980, 1984 and 1991 respectively. The organisation of National Statistics Offices are as follows:

- (i) The National Statistics Offices are departments within Ministries. The Chief Statisticians/Directors of these offices have the authority to collect, compile, analyse, abstract and publish statistical information;
- (ii) The Statistics Acts apply to the Central Statistics Office and do not provide extended coverage to other data producing agencies and units;
- (iii) The Chief Statistician/Director has the legal power to request the provision of information; the responsibility to standardise and coordinate statistical activities at the national level as well as the powers of entry to enter dwellings and business premises to collect this information;
- (iv) The Statistics legislation provides for security of information except for the purposes of a persecution under this Act;
- (v) The severity of the penalties for breaches of the provisions of the Statistics Act differs across the Region. For example, for offences committed by persons employed to collect data such as unlawful disclosure of information and falsification of information, the fine

for Barbados is BDS \$500 or 2 years imprisonment and in The Bahamas, the penalty is BH\$500 or 1 year imprisonment. With respect to offences committed by persons providing information, such as failure to furnish formation, the fine in both Barbados and Belize is \$200.00 in their local currencies and in The Bahamas, it is BH\$100. These penalties can be considered as negligible.

4. BRIEF COMPARATIVE STUDIES OF DEVELOPED COUNTRIES

10. The Statistics Acts for Australia and Demark were also reviewed. While the basic functions, powers and duties of these Bureaux are similar to those of the National Statistics Offices in the Region with regard to the collection, compilation, analysis, dissemination of data and the standardising and co-ordination roles, there were differences in the management systems.

- (i) Under the Act on Statistics Denmark 1966 (amended in 1992), Statistics Denmark is an independent institution under the direction of a Board of Directors. The National Statistician chairs this Board and the Minister appoints the other members. The Act gives this independent Board of Directors the responsibility to determine the institution's Work Programme, therefore allowing the office to operate independently of the Government control. Although budget planning and staffing fall within the Minister's jurisdiction, it is the Board that has the final say when it comes to prioritising the tasks in the statistic production. To assist in setting these priorities, the Board has established seven advisory committees comprising both users and producers of statistics;
- (ii) The Statistics Act applies only to Statistics Denmark;
- (iii) The Act allows Statistics Denmark access to data from all public registers in Denmark and this is now the institution's main data source;
- (iv) Statistics Denmark is the national statistics coordinator and is responsible for ensuring that he overall statistical picture is complete and coherent;

- (v) Under the Statistics Act, only aggregate figures may be passed to users and the basic information is protected by strong data security measures.

11. The Australian Bureau of Statistics Act 1975 which was amended in 2001, gives the Statistician controls the operation of the Bureau. There is also the Australian Statistics Advisory Council which includes the Statistician and the functions of this Council include advising both the Minister and Statistician on:

- (i) Improving, extending and co-ordinating statistical services in Australia; and
- (ii) The annual and longer term priorities and programs of work that should be adopted in the provision of statistical services.

5. MODERNISATION OF STATISTICS ACTS – FUTURE OUTLOOK

12. Some of the Statistics Acts in the Region are dated and should be reviewed. In order to improve the provision of statistics in the Region, some of the main issues that are suggested from this exploratory review are the following:

- (i) The management of the national statistics system needs to be reviewed. As the cornerstone of the statistical systems, National Statistics Offices in the Region need to review the modus operandi relative to the issue of *autonomy*. This issue is of particular relevance for the aspect of *objectivity in the outputs and confidence of the users in these outputs*;
- (ii) Provision can be made for Statistical Councils/Commission or similar bodies such as technical advisory groups to enable the formalisation of their operations. This can enable more effective functioning of these bodies, perhaps providing a budget to cover costs and enable compliance in the undertaking of activities.. The issue of statistical priorities at the national and regional levels relative to commitment to a common approach can be

incorporated relative to the responsibilities of the statistical council and the sub-groups.

- (iii) The importance of effective coordination of statistics activities at the national level cannot be over-emphasised, not only as it relates to avoiding duplication of efforts but the facilitating of standardised concepts and definitions that can eventually converge into a regionally harmonised body of statistics. Effective coordination is also essential in the strengthening of the national statistical systems through building capacity in the various agencies by way internal cross-fertilisation of support and technical assistance. It also leads to greater efficiency in the use of scarce resources;
- (iv) A more efficient approach to the issue of compliance must be addressed based on the outdated penalties. It is evident that these penalties do not allow for compliance in addition, creating a culture of informing users and suppliers about statistics can assist in improving responses;
- (v) The issue of confidentiality is a critical point for the protection of responses – not only from the point of goodwill and to assure persons providing data that they are being used for the purpose of compiling statistics and not for enforcement;
- (vi) Coverage must be broadened, not only to include other agencies but to incorporate new areas of statistics;
- (vii) Clear adherence and articulation of the UN fundamental principles of official statistics should also be included;
- (viii) Data security should play a part in the legislation;

- (ix) Provision of user provider consultation for provision of relevant statistics and relative to good governance.

13. Given the changing demands for data, the necessary legislation must be in place to equip National Statistics Offices to perform the role of providing essential information to their users. The presence of a Statistics Act that adequately covers the statistics processes leads to a more effective statistical system relative to the best quality data, in the sense of internal harmonisation of concepts, methodologies and classification, and for better response rates.

ACTION REQUIRED

14. **The Meeting is invited to:**

- (i) **consider** the Paper **SCCS 2003/28/27** on A Review of Statistical Legislation - Key Enabling Elements for the Improvement of Statistics in the Region;
- (ii) **urge** Member States to submit their Statistics Legislation to the Secretariat;
- (iii) **also consider** the need for modernisation;
- (iv) **note** that effective coordination is necessary for strengthening the national statistical systems;
- (v) **also note** the need for a more effective approach to ensure compliance;
- (vi) **further note** the need to review penalties.

MAIN ISSUES IN THE STATISTICS ACTS FOR SELECTED MEMBER STATES

	Antigua and Barbuda	The Bahamas	Barbados	Belize	Guyana	Trinidad and Tobago	Anguilla
Year	1975	1973	1958	1964	1965	1952	Not Stated
Recent updates	Not Stated	Not Stated	1984	1987 1990 2000	1969 1972 1973 1991	1955 1977 1980	2000
STATUS OF OFFICE	Department within a Ministry	Department within a Ministry	Department within a Ministry	Department within a Ministry	Department within a Ministry	Department within a Ministry	Department within a Ministry
FUNCTIONS							
- Collect, compile, analyse, abstract and publish statistics	Yes	Yes	Yes	Yes	Yes	Yes	Yes
- Conduct censuses and surveys	As directed by The Minister	As directed by The Governor	As directed by The Minister	As directed by The Minister	As directed by The Minister	As directed by The Minister	As directed by The Governor
- Standardisation and coordination of statistics	Yes Not stated	Yes Not stated	Yes Not stated	Yes Not stated	Yes By Minister	Yes By Minister	Yes Not stated
Appointment of Advisory Committees							

MAIN ISSUES IN THE STATISTICS ACTS FOR SELECTED MEMBER STATES (cont'd)

	Antigua and Barbuda	The Bahamas	Barbados	Belize	Guyana	Trinidad and Tobago	Anguilla
POWERS							
Power to obtain information	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Powers of entry	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Security of information	Yes	Yes	Yes	Yes	Yes	Yes	Yes

MAIN ISSUES IN THE STATISTICS ACTS FOR SELECTED MEMBER STATES (cont'd)

	Antigua and Barbuda	The Bahamas	Barbados	Belize	Guyana	Trinidad and Tobago	Anguilla
<p>OFFENCES AND PENALTIES</p> <p>Persons Employed to collect information</p> <p>Unlawful disclosure of information</p> <p>Falsification/misrepresentation of information</p> <p>Attempts to use information for his/her own pecuniary advantage</p>	<p>Fine - EC\$1500 and 6 months imprisonment</p>	<p>Fine – Not exceeding BH\$500 or 1 year imprisonment or both</p>	<p>Fine – BDS\$500 or 2 years imprisonment or both</p>	<p>Fine – Not exceeding BZ\$500 or to a term not exceeding 2 years imprisonment or both</p>	<p>Fine - GY\$60000 and 1 year imprisonment</p>	<p>Conviction on indictment : Fine - TT\$4000 and 3 years imprisonment or Summary conviction: Fine - TT\$2000 and 6 months imprisonment</p>	<p>Fine – EC\$20000 or 3 years imprisonment or both</p>

MAIN ISSUES IN THE STATISTICS ACTS FOR SELECTED MEMBER STATES (cont'd)

	Antigua and Barbuda	The Bahamas	Barbados	Belize	Guyana	Trinidad and Tobago	Anguilla
<p>OFFENCES AND PENALTIES (con't)</p> <p>Persons providing information</p> <p>Failure to furnish information</p> <p>Hinders or obstructs the Statistics Authority</p> <p>Make false declarations; destruction, mutilation etc of documents, schedules or forms.</p>	<p>Fine - EC\$750 and 3 months imprisonment</p>	<p>First offence – fine not exceeding BH\$100 or to a term not exceeding 3 months imprisonment or to both</p> <p>Second or subsequent offence - fine not exceeding BH\$200 or to a term not exceeding 6 months imprisonment or to both.</p>	<p>Fine - BDS\$200. In default of payment- 6 months imprisonment. If the offence continues, a further fine of BDS \$10 for each day thereafter.</p>	<p>Fine – not exceeding BZ\$200 and in default of payment, to a term not exceeding 6 months imprisonment. If the offence continues, a further fine not exceeding BZ\$10 for each day thereafter.</p>	<p>Fine - GY\$30000 or 6 months imprisonment. If offence continues GY\$7500 for each day thereafter.</p>	<p>Fine- TT\$2000 and 6 months imprisonment</p>	<p>Fine – EC\$3000. In default of payment, imprisonment for 6 months. If offence continues, EC\$100 for each day thereafter.</p>