

주요 국가의 통계법

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미국 센서스법

-CITE-

13 USC TITLE 13 - CENSUS

01/05/99

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(FOOTNOTE 1) So in original. Does not conform to chapter heading.

(FOOTNOTE 2) So in original. Probably should be capitalized.

SUBCHAPTER I - GENERAL PROVISIONS

Sec.

1. Definitions.
2. Bureau of the Census.
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(FOOTNOTE 1) Section repealed by Pub. L. 86-682 without corresponding amendment of chapter analysis.
11. Authorization of appropriations.
12. Mechanical and electronic development.

13. Procurement of professional services.
- (14. Repealed.)
15. Leases for 1980 decennial census.
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(FOOTNOTE 2) So in original. Does not conform to section catchline.

SUBCHAPTER II - OFFICERS AND EMPLOYEES

21. Director of the Census; duties.
22. Qualifications of permanent personnel.
23. Additional officers and employees.
24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; compensation; details. (FOOTNOTE 3)
(FOOTNOTE 3) Section catchline amended by Pub. L. 86-769 without corresponding amendment of chapter analysis.
25. Duties of supervisors, enumerators, and other employees.
26. Transportation by contract.

-HEAD-

Sec. 1. Definitions

-STATUTE-

As used in this title, unless the context requires another meaning or unless it is otherwise provided -

- (1) "Bureau" means the Bureau of the Census;
- (2) "Secretary" means the Secretary of Commerce; and
- (3) "respondent" includes a corporation, company,

association, firm, partnership, proprietorship, society, joint stock company, individual, or other organization or entity which reported information, or on behalf of which information was reported, in response to a questionnaire, inquiry, or other request of the Bureau.

Sec. 2. Bureau of the Census

-STATUTE-

The Bureau is continued as an agency within, and under the

jurisdiction of, the Department of Commerce.

-HEAD-

Sec. 3. Seal

-STATUTE-

The Bureau shall have a seal containing such device as has been selected heretofore, or as the Secretary may select hereafter. A description of such seal with an impression thereof shall be filed in the office of the Secretary of State. The seal shall remain in the custody of the Secretary or such officer or employee of the Bureau as he designates, and shall be affixed to all documents authenticated by the Bureau. Judicial notice shall be taken of the seal.

-HEAD-

Sec. 5. Questionnaires; number, form, and scope of inquiries

-STATUTE-

The Secretary shall prepare questionnaires, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this title.

-HEAD-

Sec. 6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources

-STATUTE-

(a) The Secretary, whenever he considers it advisable, may call upon any other department, agency, or establishment of the Federal Government, or of the government of the District of Columbia, for information pertinent to the work provided for in this title.

(b) The Secretary may acquire, by purchase or otherwise, from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies, such

copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title.

(c) To the maximum extent possible and consistent with the kind, timeliness, quality and scope of the statistics required, the Secretary shall acquire and use information available from any source referred to in subsection (a) or (b) of this section instead of conducting direct inquiries.

-HEAD-

Sec. 7. Printing; requisitions upon Public Printer; publication of bulletins and reports

-STATUTE-

The Secretary may make requisition upon the Public Printer for miscellaneous printing necessary to carry out the provisions of this title. He may further have printed by the Public Printer, in such editions as he deems necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this title, and may publish and distribute such bulletins and reports.

-HEAD-

Sec. 8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received

-STATUTE-

(a) The Secretary may, upon written request, furnish to any respondent, or to the heir, successor, or authorized agent of such respondent, authenticated transcripts or copies of reports (or portions thereof) containing information furnished by, or on behalf of, such respondent in connection with the surveys and census provided for in this title, upon payment of the actual or estimated cost of searching the records and furnishing such transcripts or copies.

(b) Subject to the limitations contained in sections 6(c) and 9

of this title, the Secretary may furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent, and may make special statistical compilations and surveys, for departments, agencies, and establishments of the Federal Government, the government of the District of Columbia, the government of any possession or area (including political subdivisions thereof) referred to in section 191(a) of this title, State or local agencies, or other public and private persons and agencies, upon payment of the actual or estimated cost of such work. In the case of nonprofit agencies or organizations, the Secretary may engage in joint statistical projects, the purpose of which are otherwise authorized by law, but only if the cost of such projects are shared equitably, as determined by the Secretary.

(c) In no case shall information furnished under this section be used to the detriment of any respondent or other person to whom such information relates, except in the prosecution of alleged violations of this title.

(d) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

-HEAD-

Sec. 9. Information as confidential; exception

-STATUTE-

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison, may, except as provided in section 8 or 16 or chapter 10 of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 or section 2(f) of the Census of Agriculture Act of 1997 -

(1) use the information furnished under the provisions of this

title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.

-HEAD-

(Sec. 10. Repealed. Pub. L. 86-682, Sec. 12(a), Sept. 2, 1960, 74 Stat. 708, eff. Sept. 1, 1960)

-HEAD-

Sec. 11. Authorization of appropriations

-STATUTE-

There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all

provisions of this title.

-HEAD-

Sec. 12. Mechanical and electronic development

-STATUTE-

The Secretary is authorized to have conducted mechanical and electronic development work as he determines is needed to further the functions and duties of carrying out the purposes of this title and may enter into such developmental contracts as he may determine to be in the best interest of the Government.

-HEAD-

(Sec. 14. Repealed. Pub. L. 89-473, Sec. 2(a), June 29, 1966, 80 Stat. 221)

-HEAD-

Sec. 15. Leases for 1980 decennial census

-STATUTE-

The 15 percent limitation contained in section 322 (FOOTNOTE 1) of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 278a) shall not apply to leases entered into by the Secretary for the purpose of carrying out the 1980 decennial census, but no lease may be entered into for such purpose at a rental in excess of 105 percent of the appraised fair annual rental of the leased premises, or a proportionate part of the appraised fair annual rental in the case of a lease for less than a year.

(FOOTNOTE 1) See References in Text note below.

-HEAD-

Sec. 16. Address information reviewed by States and local governments

-STATUTE-

(a) The Secretary, to assist efforts to ensure the accuracy of

censuses and surveys under this title, shall -

(1) publish standards defining the content and structure of address information which States and local units of general purpose government may submit to the Secretary to be used in developing a national address list;

(2)(A) develop and publish a timetable for the Bureau to receive, review, and respond to submissions of information under paragraph (1) before the decennial census date; and

(B) provide for a response by the Bureau with respect to such submissions in which the Bureau specifies its determinations regarding such information and the reasons for such determinations; and

(3) be subject to the review process developed under section 3 of the Census Address List Improvement Act of 1994 relating to responses pursuant to paragraph (2).

(b)(1) The Secretary -

(A) shall provide officials who are designated as census liaisons by a local unit of general purpose government with access to census address information for the purpose of verifying the accuracy of the address information of the Bureau for census and survey purposes; and

(B) together with such access, should provide an explanation of duties and obligations under this title.

(2) Access under paragraph (1) shall be limited to address information concerning addresses within the local unit of general purpose government represented by the census liaison or an adjacent local unit of general purpose government.

(3) The Bureau should respond to each recommendation made by a census liaison concerning the accuracy of address information, including the determination (and reasons therefor) of the Bureau regarding each such recommendation.

(4) For the purposes of paragraph (1), in a case in which a local unit of general purpose government is within another local unit of general purpose government and is not independent of the enclosing unit, the census liaison shall be designated by the local unit of general purpose government which is within the enclosing local unit

of general purpose government.

(5) A census liaison may not use information made available under paragraph (1) for any purpose other than the purpose specified in paragraph (1).

(c) For the purposes of this section -

(1) the term "local unit of general purpose government" has the meaning given such term by section 184(1) of this title; and

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

-HEAD-

SUBCHAPTER II - OFFICERS AND EMPLOYEES

-HEAD-

Sec. 21. Director of the Census; duties

-STATUTE-

The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary.

-HEAD-

Sec. 22. Qualifications of permanent personnel

-STATUTE-

All permanent officers and employees of the Bureau shall be citizens of the United States.

-HEAD-

Sec. 23. Additional officers and employees

-STATUTE-

(a) The Secretary may establish, at rates of compensation to be

fixed by him without regard to the Classification Act of 1949, as many temporary positions as may be necessary to meet the requirements of the work provided for by law. Bureau employees who are transferred to any such temporary positions shall not lose their permanent civil service status by reason of the transfer. The Secretary may make appointments to such temporary positions in conformity with the civil service laws and rules.

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for by law without regard to section 301 of the Dual Compensation Act.

(c) The Secretary may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities, and employees of private organizations to assist the Bureau in performing the work authorized by this title, but only if such temporary staff is sworn to observe the limitations imposed by section 9 of this title.

-HEAD-

Sec. 24. Special employment provisions

-STATUTE-

(a) The Secretary may utilize the services of nontemporary employees of the Bureau (by assignment, promotion, appointment, detail, or otherwise) in temporary positions established for any census, for not to exceed the period during which appropriations are available for that census. Whenever the Secretary determines that the services of an employee which have been utilized under this section are no longer required in such a temporary position, he may, without regard to the provisions of any other law, return the employee to a continuing position, with rank and compensation not less than that which he held in his last permanent position in the Bureau: Provided, That no employee shall, by reason of his service in a temporary position under this subsection, lose the

protection of any law or regulation with respect to his separation, suspension, furlough, or reduction in rank or compensation below the level held in his last permanent position in the Bureau. Service by a nontemporary employee in a temporary position under this subsection shall be creditable for step-increases (both periodic and longevity) under title VII of the Classification Act of 1949, as amended, as though it were a continuation of service in his last permanent position.

(b) As used in this title with respect to appointments or positions, "temporary" shall be construed to mean not in excess of one year, or not in excess of the specific period during which appropriations are available for the conduct of a particular census; whichever is longer. No employee of the Bureau who holds only a temporary appointment within the meaning of this section shall be considered as other than strictly temporary for purposes of any other provision of law relating to separations, suspensions, or reductions in rank or compensation.

(c) The enlisted men and officers of the uniformed services may be appointed and compensated for service in temporary enumerator positions for the enumeration of personnel of the uniformed services.

(d) The Secretary may fix compensation on a piece-price basis without limitation as to the amount earned per diem, and payments may be made to enumerators for the use of private automobiles on official business without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), but at rates not in excess of the rates provided by that Act.

(e) The Secretary may authorize the expenditure of necessary sums for travel expenses of persons selected for appointment for attendance at training courses held by the Department of Commerce with respect to any of the work provided for by law.

(f) Notwithstanding any other provision of law prohibiting the expenditure of public money for telephone service, the Secretary, under such regulations as he shall prescribe, may authorize reimbursement for tolls or charges for telephone service from private residences or private apartments to the extent such charges

are determined by the Secretary to have been incurred to facilitate the collection of information in connection with the censuses and surveys authorized by this title.

-HEAD-

Sec. 25. Duties of supervisors, enumerators, and other employees

-STATUTE-

(a) Each supervisor shall perform the duties imposed upon him by the Secretary in the enforcement of chapter 5 of this title in accordance with the Secretary's orders and instructions.

(b) Each enumerator or other employee detailed to serve as enumerator shall be charged with the collection in his subdivision of the facts and statistics called for on such schedules as the Secretary determines shall be used by him in connection with any census or survey provided for by chapter 5 of this title.

-HEAD-

Sec. 26. Transportation by contract

-STATUTE-

The Secretary may contract with field employees for the rental and use within the continental limits of the United States of means of transportation, other than motorcycle, automobile, or airplane, and for the rental and use outside of the continental United States of any means of transportation, which means may be owned by the field employee. Such rental contracts shall be made without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837). The rentals shall be at rates equivalent to the prevailing rental rates of the locality. The rental contracts within the continental United States may be entered into only when the use by the field employee of such other means of transportation is safer, more economical, or more advantageous to the Government than use of his motorcycle, automobile, or airplane in conducting the census.

-HEAD-

CHAPTER 3 - COLLECTION AND PUBLICATION OF STATISTICS

-MISC1-

SUBCHAPTER I - COTTON

Sec.

41. Collection and publication.
42. Contents of reports; number of bales of linter; distribution; publication by Department of Agriculture.
43. Records and reports of cotton ginner.
44. Foreign cotton statistics.
45. Simultaneous publication of cotton reports.

SUBCHAPTER II - OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

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62. Additional statistics.
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SUBCHAPTER III - APPAREL AND TEXTILES

81. Statistics on apparel and textile industries.

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101. Defective, dependent, and delinquent classes; crime.
102. Religion.
103. Designation of reports.

-HEAD-

SUBCHAPTER I - COTTON

-HEAD-

Sec. 41. Collection and publication

-STATUTE-

The Secretary shall collect and publish statistics concerning the

- (1) amount of cotton ginned;

- (2) quantity of raw cotton consumed in manufacturing establishments of every character;
- (3) quantity of baled cotton on hand;
- (4) number of active consuming cotton spindles;
- (5) number of active spindle hours; and
- (6) quantity of cotton imported and exported, with the country of origin and destination.

-HEAD-

Sec. 42. Contents of reports: number of bales of lint; distribution; publication by Department of Agriculture

-STATUTE-

(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton-growing States in which cotton has been ginned.

(b) The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle-hours, and the statistics of cotton imported and exported shall relate to each month, and shall be published as soon as possible after the close of the month.

(c) In collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the "carry-over" in the United States, the Secretary shall ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton.

(d) The Secretary shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that Department regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the Department of

Agriculture shall publish the same in connection with each of its reports concerning cotton.

-HEAD-

Sec. 43. Records and reports of cotton ginner

-STATUTE-

Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the completion of the ginning season, but not later than the March canvass, of each year a segregation of the total number of bales ginned by counties or parishes in which grown.

-HEAD-

Sec. 44. Foreign cotton statistics

-STATUTE-

In addition to the information regarding cotton in the United States provided for in this subchapter, the Secretary shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Department of Commerce or agency or bureau thereof regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Secretary shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States.

-HEAD-

Sec. 45. Simultaneous publication of cotton reports

-STATUTE-

The reports of cotton ginned to the dates as of which the

Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate.

-HEAD-

SUBCHAPTER II - OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

-HEAD-

Sec. 61. Collection and publication

-STATUTE-

(a) The Secretary shall collect, collate, and publish monthly statistics concerning -

(1) the quantities of -

(A) cotton seed, soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, babassu nuts and kernels, and other oilseeds, nuts, and kernels received, crushed, and on hand at oil mills;

(B) crude and refined oils, cakes, and meals, and other primary products, by type or kind, of the seeds, nuts, and kernels referred to in clause (A) of this paragraph, manufactured, shipped out, and on hand at oil mills and processing establishments;

(C) crude and refined vegetable oils, by type or kind, used by class of product and held by manufacturers of vegetable shortening, margarine, soap, and other principal products using large quantities of vegetable oils;

(D) crude and refined vegetable oils, by type or kind, held in warehouses and in transit to consuming establishments; and

(2) the quantities, by types or kinds, of -

(A) animal fats and oils and greases produced;

(B) animal fats and oils and greases shipped and held by producers;

(C) animal fats and oils and greases, fish and marine mammal oils used by class of product and held by manufacturers of shortening, margarine, soap, and other principal products which require the use of large quantities of animal fats and oils and greases, fish and marine mammal oils;

(D) animal fats and oils and greases, fish and marine mammal oils held in warehouses, cold storage, and in transit to consuming establishments.

(b) The Secretary shall not be required to collect, more frequently than he deems necessary to provide reliable statistical reports, information from any person who produces, holds, or consumes fats and oils in inconsequential quantities.

-HEAD-

Sec. 62. Additional statistics

-STATUTE-

This subchapter does not restrict or limit the Secretary in the collection and publication, under the general authority of the Secretary, of such statistics on fats and oils or products thereof not specifically required in this subchapter, as he deems to be in the public interest.

-HEAD-

Sec. 63. Duplicate collection of statistics prohibited; access to available statistics

-STATUTE-

Statistics required under Federal law, as of the effective date of this title, to be collected by any other Federal department or agency in a manner comparable both as to form and period of time to the collection of statistics provided for by this subchapter shall not be collected by the Secretary under the authority of this subchapter. Immediately upon his request, the Secretary shall have

access to any such statistics and shall include them in the publication required by this subchapter.

-HEAD-

SUBCHAPTER III - APPAREL AND TEXTILES

-HEAD-

Sec. 81. Statistics on apparel and textile industries

-STATUTE-

The Secretary shall collect and publish quarterly statistics relating to domestic apparel and textile industries.

-HEAD-

SUBCHAPTER IV - QUARTERLY FINANCIAL STATISTICS

-HEAD-

Sec. 91. Collection and publication

-STATUTE-

(a) The Secretary shall collect and publish quarterly financial statistics of business operations, organization, practices, management, and relation to other businesses, including data on sales, expenses, profits, assets, liabilities, stockholders' equity, and related accounts generally used by businesses in income statements, balance sheets, and other measures of financial condition.

(b) Except to the extent determined otherwise by the Secretary on the basis of changed circumstances, the nature of statistics collected and published under this section, and the manner of the collection and publication of such statistics, shall conform to the quarterly financial reporting program carried out by the Federal Trade Commission before the effective date of this section under section 6(b) of the Federal Trade Commission Act.

(c) For purposes of section 6103(j)(1) of the Internal Revenue Code of 1986, the conducting of the quarterly financial report

program under this section shall be considered as the conducting of a related statistical activity authorized by law.

(d)(1) The Secretary shall not select an organization or entity for participation in a survey, if -

(A) the organization or entity -

(i) has assets of less than \$50,000,000;

(ii) completed participation in a prior survey in the preceding 10-year period, as determined by the Secretary; and

(iii) was selected for that prior survey participation after September 30, 1990; or

(B) the organization or entity -

(i) has assets of more than \$50,000,000 and less than \$100,000,000;

(ii) completed participation in a prior survey in the preceding 2-year period, as determined by the Secretary; and

(iii) was selected for that prior survey participation after September 30, 1995.

(2)(A) The Secretary shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of organizations and entities participating in the survey.

(B) To facilitate the provision of the assistance under subparagraph (A), the Secretary shall establish a toll-free telephone number.

(C) The Secretary shall expand the use of statistical sampling techniques to select organizations and entities having assets less than \$100,000,000 to participate in the survey.

(3) The Secretary may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by the Secretary.

(4) For purposes of this subsection:

(A) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act and the regulations promulgated pursuant thereto.

(B) The term "survey" means the collection of information by the Secretary pursuant to this section for the purpose of

preparing the publication entitled ''Quarterly Financial Report
for Manufacturing, Mining, and Trade Corporations''

-HEAD-

SUBCHAPTER V - MISCELLANEOUS

-HEAD-

Sec. 101. Defective, dependent, and delinquent classes; crime

-STATUTE-

(a) The Secretary may collect decennially statistics relating -

(1) to the defective, dependent, and delinquent classes; and

(2) to crime, including judicial statistics pertaining thereto.

(b) The statistics authorized by subsection (a) of this section shall include information upon the following questions, namely: age, sex, color, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to such subjects as the Secretary deems proper.

(c) In addition to the decennial collections authorized by subsections (a) and (b) of this section, the Secretary may compile and publish annually statistics relating to crime and to the defective, dependent, and delinquent classes.

-HEAD-

Sec. 102. Religion

-STATUTE-

The Secretary may collect decennially statistics relating to religious bodies.

-HEAD-

CHAPTER 5 - CENSUSES

-MISC1-

SUBCHAPTER I - MANUFACTURES, MINERAL INDUSTRIES, AND OTHER
BUSINESSES

Sec.

131. Collection and publication; five-year periods.

132. Controlling law; effect on other agencies.

SUBCHAPTER II - POPULATION, HOUSING, AND UNEMPLOYMENT

141. Population and other census information.

(142 to 146. Repealed.)

SUBCHAPTER III - GOVERNMENTS

161. Quinquennial censuses; inclusion of certain data.

(162. Repealed.)

163. Authority of other agencies. (FOOTNOTE 1)

(FOOTNOTE 1) Item 163 editorially inserted because section 163 is still in existence. Item 163 was eliminated in the general amendment of analysis by Pub. L. 85-207, Sec. 7, Aug. 28, 1957, 71 Stat. 482.

SUBCHAPTER IV - INTERIM CURRENT DATA

181. Population.

182. Surveys.

183. Use of most recent population data.

184. Definitions.

SUBCHAPTER V - GEOGRAPHIC SCOPE, PRELIMINARY AND SUPPLEMENTAL
STATISTICS, AND USE OF SAMPLING

191. Geographic scope of censuses.

193. Preliminary and supplemental statistics.

195. Use of sampling.

196. Special censuses.

-HEAD-

Sec. 131. Collection and publication; five-year periods

-STATUTE-

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964,

then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof.

-HEAD-

Sec. 132. Controlling law; effect on other agencies

-STATUTE-

To the extent that the provisions of this subchapter or subchapter IV of this chapter conflict with any other provision of this title or other law, pertaining to the Secretary of the Department of Commerce, the provisions of this title shall control; but nothing in this title shall be deemed to revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

-HEAD-

SUBCHAPTER II - POPULATION, HOUSING, AND UNEMPLOYMENT

-HEAD-

Sec. 141. Population and other census information

-STATUTE-

(a) The Secretary shall, in the year 1980 and every 10 years thereafter, take a decennial census of population as of the first day of April of such year, which date shall be known as the "'decennial census date'", in such form and content as he may determine, including the use of sampling procedures and special surveys. In connection with any such census, the Secretary is authorized to obtain such other census information as necessary.

(b) The tabulation of total population by States under subsection (a) of this section as required for the apportionment of Representatives in Congress among the several States shall be completed within 9 months after the census date and reported by the Secretary to the President of the United States.

(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than 3 years before the decennial census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than April 1 of the fourth year preceding the decennial census date. Such criteria shall include requirements which assure that such plan shall be developed in a nonpartisan manner. Should the Secretary find that a plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult to the extent necessary with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues with respect to such plan remaining unresolved after such consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the decennial census date and reported to the Governor of the State involved and to the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each other State, shall, in any event, be completed, reported, and transmitted to each respective State within one year after the decennial census date.

(d) Without regard to subsections (a), (b), and (c) of this section, the Secretary, in the year 1985 and every 10 years thereafter, shall conduct a mid-decade census of population in such form and content as he may determine, including the use of sampling procedures and special surveys, taking into account the extent to which information to be obtained from such census will serve in lieu of information collected annually or less frequently in

surveys or other statistical studies. The census shall be taken as of the first day of April of each such year, which date shall be known as the "mid-decade census date".

(e)(1) If -

(A) in the administration of any program established by or under Federal law which provides benefits to State or local governments or to other recipients, eligibility for or the amount of such benefits would (without regard to this paragraph) be determined by taking into account data obtained in the most recent decennial census, and

(B) comparable data is obtained in a mid-decade census conducted after such decennial census,

then in the determination of such eligibility or amount of benefits the most recent data available from either the mid-decade or decennial census shall be used.

(2) Information obtained in any mid-decade census shall not be used for apportionment of Representatives in Congress among the several States, nor shall such information be used in prescribing congressional districts.

(f) With respect to each decennial and mid-decade census conducted under subsection (a) or (d) of this section, the Secretary shall submit to the committees of Congress having legislative jurisdiction over the census -

(1) not later than 3 years before the appropriate census date, a report containing the Secretary's determination of the subjects proposed to be included, and the types of information to be compiled, in such census;

(2) not later than 2 years before the appropriate census date, a report containing the Secretary's determination of the questions proposed to be included in such census; and

(3) after submission of a report under paragraph (1) or (2) of this subsection and before the appropriate census date, if the Secretary finds new circumstances exist which necessitate that the subjects, types of information, or questions contained in reports so submitted be modified, a report containing the Secretary's determination of the subjects, types of information,

or questions as proposed to be modified.

(g) As used in this section, "census of population" means a census of population, housing, and matters relating to population and housing.

(Sec. 142. Repealed. Pub. L. 105-113, Sec. 3(a), Nov. 21, 1997, 111 Stat. 2275)

-HEAD-

(Sec. 143 to 146. Repealed. Pub. L. 85-207, Sec. 11, Aug. 28, 1957, 71 Stat. 483)

-HEAD-

SUBCHAPTER III - GOVERNMENTS

-HEAD-

Sec. 161. Quinquennial censuses; inclusion of certain data

-STATUTE-

The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but shall not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units.

-HEAD-

(Sec. 162. Repealed. Pub. L. 85-207, Sec. 13, Aug. 28, 1957, 71 Stat. 483)

-HEAD-

Sec. 163. Authority of other agencies

-STATUTE-

This subchapter does not revoke or impair the authority of any other Federal agency with respect to the collection or release of

information.

-HEAD-

SUBCHAPTER IV - INTERIM CURRENT DATA

-HEAD-

Sec. 181. Population

-STATUTE-

(a) During the intervals between each census of population required under section 141 of this title, the Secretary, to the extent feasible, shall annually produce and publish for each State, county, and local unit of general purpose government which has a population of fifty thousand or more, current data on total population and population characteristics and, to the extent feasible, shall biennially produce and publish for other local units of general purpose government current data on total population. Such data shall be produced and published for each State, county, and other local unit of general purpose government for which data is compiled in the most recent census of population taken under section 141 of this title. Such data may be produced by means of sampling or other methods, which the Secretary determines will produce current, comprehensive, and reliable data.

(b) If the Secretary is unable to produce and publish current data during any fiscal year on total population for any county and local unit of general purpose government as required by this section, a report shall be submitted by the Secretary to the President of the Senate and to the Speaker of the House of Representatives not later than 90 days before the commencement of the following fiscal year, enumerating each government excluded and giving the reasons for such exclusion.

-HEAD-

Sec. 182. Surveys

-STATUTE-

The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.

-HEAD-

Sec. 183. Use of most recent population data

-STATUTE-

(a) Except as provided in subsection (b), for the purpose of administering any law of the United States in which population or other population characteristics are used to determine the amount of benefit received by State, county, or local units of general purpose government, the Secretary shall transmit to the President for use by the appropriate departments and agencies of the executive branch the data most recently produced and published under this title.

(b) This section shall not apply with respect to any law of the United States which, for purposes of determining the amount of benefit received by State, county, or local units of general purpose government, provides that only population or population characteristics data obtained in the most recent decennial census may be used in such determination.

-HEAD-

Sec. 184. Definitions

-STATUTE-

For purposes of this subchapter -

(1) the term "local unit of general purpose government" means the government of a county, municipality, township, Indian tribe, Alaskan native village, or other unit of government (other than a State) which is a unit of general government, and

(2) the term "State" includes the District of Columbia.

-HEAD-

Sec. 191. Geographic scope of censuses

-STATUTE-

(a) Each of the censuses authorized by this chapter shall include each State, the District of Columbia, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico, and as may be determined by the Secretary, such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Inclusion of other areas over which the United States exercises jurisdiction or control shall be subject to the concurrence of the Secretary of State.

(b) For censuses taken in the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or any possession or area not specifically designated in subsection (a) of this section, the Secretary may use census information collected by the Governor or highest ranking Federal official, if such information was obtained in accordance with plans prescribed or approved by the Secretary.

(c) If, pursuant to a determination by the Secretary under subsection (a) of this section, any census is not taken in a possession or area over which the United States exercises jurisdiction, control, or sovereignty, the Secretary may include data obtained from other Federal agencies or government sources in the census report. Any data obtained from foreign governments shall be obtained through the Secretary of State.

-HEAD-

Sec. 193. Preliminary and supplemental statistics

-STATUTE-

In advance of, in conjunction with, or after the taking of each census provided for by this chapter, the Secretary may make surveys and collect such preliminary and supplementary statistics related to the main topic of the census as are necessary to the initiation, taking, or completion thereof.

-HEAD-

Sec. 195. Use of sampling

-STATUTE-

Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as "sampling" in carrying out the provisions of this title.

-HEAD-

Sec. 196. Special censuses

-STATUTE-

The Secretary may conduct special censuses for the government of any State, or of any county, city, or other political subdivision within a State, for the government of the District of Columbia, and for the government of any possession or area (including political subdivisions thereof) referred to in section 191(a) of this title, on subjects covered by the censuses provided for in this title, upon payment to the Secretary of the actual or estimated cost of each such special census. The results of each such special census shall be designated "Official Census Statistics". These statistics may be used in the manner provided by applicable law.

-HEAD-

CHAPTER 7 - OFFENSES AND PENALTIES

-MISC1-

SUBCHAPTER I - OFFICERS AND EMPLOYEES

Sec.

- 211. Receiving or securing compensation for appointment of employees.
- 212. Refusal or neglect of employees to perform duties.
- 213. False statements, certificates, and information.
- 214. Wrongful disclosure of information.

SUBCHAPTER II - OTHER PERSONS

- 221. Refusal or neglect to answer questions; false answers.
- 222. Giving suggestions or information with intent to cause inaccurate enumeration of population.
- 223. Refusal, by owners, proprietors, etc., to assist census employees.
- 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers.
- 225. Applicability of penal provisions in certain cases.

SUBCHAPTER III - PROCEDURE

- 241. Evidence.

-HEAD-

- Sec. 211. Receiving or securing compensation for appointment of employees

-STATUTE-

Whoever -

(1) receives or secures to himself any fee, reward, or compensation as a consideration for the appointment of any person as supervisor, enumerator, clerk, or other officer or employee of the Department of Commerce or bureau or agency thereof, referred to in subchapter II of chapter 1 of this title; or

(2) in any way receives or secures to himself any part of the compensation paid to any person so appointed -
shall be fined not more than \$3,000 or imprisoned not more than five years, or both.

-HEAD-

- Sec. 212. Refusal or neglect of employees to perform duties

-STATUTE-

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, and having taken and subscribed the oath of office, neglects or refuses, without justifiable cause, to perform the duties enjoined on such employee by this title, shall be fined not more than \$500.

-HEAD-

Sec. 213. False statements, certificates, and information

-STATUTE-

(a) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title, willfully and knowingly swears or affirms falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this title, shall be guilty of perjury, and shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title -

(1) willfully and knowingly makes a false certificate or fictitious return; or

(2) knowingly or willfully furnishes or causes to be furnished, or, having been such an officer or employee, knowingly or willfully furnished or caused to be furnished, directly or indirectly, to the Secretary or to any other officer or employee of the Department of Commerce or bureau or agency thereof, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information provided for in this title -
shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

-HEAD-

Sec. 214. Wrongful disclosure of information

-STATUTE-

Whoever, being or having been an employee or staff member referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 9 of this title, or whoever, being or having been a census liaison within the meaning of section 16 of this title, publishes or communicates any information, the

disclosure of which is prohibited under the provisions of section 9 of this title, and which comes into his possession by reason of his being employed (or otherwise providing services) under the provisions of this title, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

-HEAD-

Sec. 221. Refusal or neglect to answer questions; false answers

-STATUTE-

(a) Whoever, being over eighteen years of age, refuses or willfully neglects, when requested by the Secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof acting under the instructions of the Secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, IV, and V of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than \$100.

(b) Whoever, when answering questions described in subsection (a) of this section, and under the conditions or circumstances described in such subsection, willfully gives any answer that is false, shall be fined not more than \$500.

(c) Notwithstanding any other provision of this title, no person shall be compelled to disclose information relative to his religious beliefs or to membership in a religious body.

-HEAD-

Sec. 222. Giving suggestions or information with intent to cause inaccurate enumeration of population

-STATUTE-

Whoever, either directly or indirectly, offers or renders to any officer or employee of the Department of Commerce or bureau or

agency thereof engaged in making an enumeration of population under subchapter II, IV, or V of chapter 5 of this title, any suggestion, advice, information or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

-HEAD-

Sec. 223. Refusal, by owners, proprietors, etc., to assist census employees

-STATUTE-

Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, refuses or willfully neglects, when requested by the Secretary or by any other officer or employee of the Department of Commerce or bureau or agency thereof, acting under the instructions of the Secretary, to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom to any duly accredited representative of such Department or bureau or agency thereof, so as to permit the collection of statistics with respect to any census provided for in subchapters I and II of chapter 5 of this title, or any survey authorized by subchapter IV or V of such chapter insofar as such survey relates to any of the subjects for which censuses are provided by such subchapters I and II, including, when relevant to the census or survey being taken or made, the proper and correct enumeration of all persons having their usual place of abode in such premises, shall be fined not more than \$500.

-HEAD-

Sec. 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers

-STATUTE-

Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule or questionnaire prepared and submitted to him under the authority of this title, shall be fined not more than \$500; and if he willfully gives a false answer to any such question, he shall be fined not more than \$10,000.

-HEAD-

Sec. 225. Applicability of penal provisions in certain cases

-STATUTE-

(a) In connection with any survey conducted by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof pursuant to subchapter IV of chapter 5 of this title, the provisions of sections 221, 222, 223 and 224 of this title shall apply -

(1) with respect to the answering of questions and furnishing of information, only to such inquiries as are within the scope of the schedules and questionnaires and of the type and character heretofore used in connection with the taking of complete censuses under subchapters I and II of chapter 5 of this title, or in connection with any censuses hereafter taken pursuant to such subchapters;

(2) only after publication of a determination with reasons therefor certified by the Secretary, or by some other authorized officer or employee of the Department of Commerce or bureau or agency thereof with the approval of the Secretary, that the information called for is needed to aid or permit the efficient

performance of essential governmental functions or services, or has significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources;

(3) in the case of any new survey, only after public notice, given by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof at least thirty days in advance of requesting a return, that such survey is under consideration.

(b) The provisions for imprisonment provided by section 222 of this title shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.

(c) The provisions of sections 221, 222, 223, and 224 of this title shall not apply to any censuses or surveys of governments provided for by subchapters III and IV of chapter 5 of this title, nor to other surveys provided for by subchapter IV of such chapter which are taken more frequently than annually.

(d) Where the doctrine, teaching, or discipline of any religious denomination or church prohibits the disclosure of information relative to membership, a refusal, in such circumstances, to furnish such information shall not be an offense under this chapter.

-HEAD-

Sec. 241. Evidence

-STATUTE-

When any request for information, made by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, is made by registered or certified mail or telegram, the return receipt therefor or other written receipt thereof shall be prima facie evidence of an official request in any prosecution under such section.

-HEAD-

CHAPTER 9 - COLLECTION AND PUBLICATION OF FOREIGN COMMERCE AND
TRADE STATISTICS

-MISC1-

Sec.

301. Collection and publication.

302. Rules, regulations, and orders.

303. Secretary of Treasury, functions. (FOOTNOTE 1)

(FOOTNOTE 1) So in original. Does not conform to section
catchline.

304. Filing export information, delayed filings, penalties for
failure to file.

305. Violations, penalties.

306. Delegation of functions.

307. Relationship to general census law.

-HEAD-

Sec. 301. Collection and publication

-STATUTE-

(a) The Secretary is authorized to collect information from all persons exporting from, or importing into, the United States and the noncontiguous areas over which the United States exercises sovereignty, jurisdiction, or control, and from all persons engaged in trade between the United States and such noncontiguous areas and between those areas, or from the owners, or operators of carriers engaged in such foreign commerce or trade, and shall compile and publish such information pertaining to exports, imports, trade, and transportation relating thereto, as he deems necessary or appropriate to enable him to foster, promote, develop, and further the commerce, domestic and foreign, of the United States and for other lawful purposes.

(b) The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, on quarterly and cumulative bases, statistics on United States imports for consumption and United States exports by country

and by product. Statistics on United States imports shall be submitted in accordance with the Harmonized Tariff Schedule of the United States Annotated for Statistical Reporting Purposes and general statistical note 1 thereof, in detail as follows:

- (1) net quantity;
- (2) United States customs value;
- (3) purchase price or its equivalent;
- (4) equivalent of arm's length value;
- (5) aggregate cost from port of exportation to United States port of entry;
- (6) a United States port of entry value comprised of (5) plus (4), if applicable, or, if not applicable, (5) plus (3); and
- (7) for transactions where (3) and (4) are equal, the total value of such transactions.

The data for paragraphs (1), (2), (3), (5), and (6) shall be reported separately for nonrelated and related party transactions, and shall also be reported as a total of all transactions.

(c) In submitting any information under subsection (b) with respect to exports, the Secretary shall state separately from the total value of all exports -

(1)(A) the value of agricultural commodities exported under the Agricultural Trade Development and Assistance Act of 1954, as amended; and

(B) the total amount of all export subsidies paid to exporters by the United States under such Act for the exportation of such commodities; and

(2) the value of goods exported under the Foreign Assistance Act of 1961.

(d) To assist the Secretary to carry out the provisions of subsections (b) and (c) -

(1) the Secretary of Agriculture shall furnish information to the Secretary concerning the value of agricultural commodities exported under provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended, and the total amounts of all export subsidies paid to exporters by the United States under such Act for the exportation of such commodities; and

(2) the Secretary of State shall furnish information to the Secretary concerning the value of goods exported under the provisions of the Foreign Assistance Act of 1961, as amended.

(e) There shall be reported, on monthly and cumulative bases, for each heading or subheading in the Harmonized Tariff Schedule of the United States Annotated for Statistical Reporting Purposes, the United States port of entry value (as determined under subsection (b)(6)). There shall be reported, on monthly and cumulative bases, the balance of international trade for the United States reflecting (1) the aggregate value of all United States imports as reported in accordance with the first sentence of this subsection, and (2) the aggregate value of all United States exports. The information required to be reported under this subsection shall be reported in a form that is adjusted for economic inflation or deflation (on a constant dollar basis consistent with the reporting of the National Income and Product Accounts), and in a form that is not so adjusted.

(f) On or before January 1, 1981, and as often thereafter as may be necessary to reflect significant changes in rates, there shall be reported for each heading or subheading in the Harmonized Tariff Schedule of the United States Annotated for Statistical Reporting Purposes, the ad valorem or ad valorem equivalent rate of duty which would have been required to be imposed on dutiable imports under that heading or subheading, if the United States customs values of such imports were based on the United States port of entry value (as reported in accordance with the first sentence of subsection (e)) in order to collect the same amount of duties on imports under that heading or subheading as are currently collected.

(g) Shippers' Export Declarations (or any successor document), wherever located, shall be exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest.

-HEAD-

Sec. 302. Rules, regulations, and orders

-STATUTE-

The Secretary may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this chapter. Any rules, regulations, or orders issued pursuant to this authority may be established in such form or manner, may contain such classifications or differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the Secretary are necessary or proper to effectuate the purpose of this chapter, or to prevent circumvention or evasion of any rule, regulation, or order issued hereunder. The Secretary may also provide by rule or regulation, for such confidentiality, publication, or disclosure, of information collected hereunder as he may deem necessary or appropriate in the public interest. Rules, regulations, and orders, or amendments thereto shall have the concurrence of the Secretary of the Treasury prior to promulgation.

-HEAD-

Sec. 303. Secretary of Treasury functions

-STATUTE-

To assist the Secretary to carry out the provisions of this chapter, the Secretary of the Treasury shall collect information in the form and manner prescribed by the regulations issued pursuant to this chapter from persons engaged in foreign commerce or trade, other than by mail, and from the owners or operators of carriers.

-HEAD-

Sec. 304. Filing export information, delayed filings, penalties for failure to file

-STATUTE-

(a) The information or reports in connection with the exportation or transportation of cargo required to be filed by carriers with

the Secretary of the Treasury under any rule, regulation, or order issued pursuant to this chapter may be filed after the departure of such carrier from the port or place of exportation or transportation, whether such departing carrier is destined directly to a foreign port or place or to a noncontiguous area, or proceeds by way of other ports or places of the United States, provided that a bond in an approved form in the penal sum of \$1,000 is filed with the Secretary of the Treasury. The Secretary of Commerce may, by a rule, regulation, or order issued in conformity herewith, prescribe a maximum period after such departure during which the required information or reports may be filed. In the event any such information or report is not filed within such prescribed period, a penalty not to exceed \$100 for each day's delinquency beyond the prescribed period, but not more than \$1,000, shall be exacted. Civil suit may be instituted in the name of the United States against the principal and surety for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond.

(b) The Secretary may remit or mitigate any penalty incurred for violations of this section and regulations issued pursuant thereto if, in his opinion, they were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

-HEAD-

Sec. 305: Violations, penalties

-STATUTE-

Any person, including the owners or operators of carriers, violating the provisions of this chapter, or any rule, regulation, or order issued thereunder, except as provided in section 304 above, shall be liable to a penalty not to exceed \$1,000 in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.

-HEAD-

Sec. 306. Delegation of functions

-STATUTE-

Subject to the concurrence of the head of the department or agency concerned, the Secretary may make such provisions as he shall deem appropriate, authorizing the performance by any officer, agency, or employee of the United States Government departments or offices, or the governments of any areas over which the United States exercises sovereignty, jurisdiction, or control, of any function of the Secretary, contained in this chapter.

-HEAD-

CHAPTER 10 - EXCHANGE OF CENSUS INFORMATION

-MISC1-

Sec.

401. Exchange of census information with Bureau of Economic Analysis.

-HEAD-

Sec. 401. Exchange of census information with Bureau of Economic Analysis

-STATUTE-

(a) Exchange of Information. - The Bureau of the Census shall exchange with the Bureau of Economic Analysis of the Department of Commerce information collected under this title, and under the International Investment and Trade in Services Survey Act, that pertains to any business enterprise that is operating in the United States, if the Secretary of Commerce determines such information is appropriate to augment and improve the quality of data collected under the International Investment and Trade in Services Survey Act. Information provided to the Bureau of Economic Analysis by the Bureau of the Census shall be only those data collected directly from respondents by the Bureau of the Census.

(b) Requests for Information. - The Director of the Bureau requesting information under this section shall make the request in writing and shall certify that the information will be used only for statistical activities performed to improve the quality of data collected under the authority of title 13, United States Code, and the International Investment and Trade in Services Survey Act.

(c) Definition. - As used in subsection (a), the terms "business enterprise" and "United States" have the meanings given those terms in section 3 of the International Investment and Trade in Services Survey Act.

캐나다 통계법



CHAPTER S-19

An Act respecting statistics of Canada

SHORT TITLE

Short title

1. This Act may be cited as the *Statistics Act*, 1970-71-72, c. 15, s. 1.

INTERPRETATION

Definitions

"Chief Statistician"
«statisticien...»

"department"
or "depart-
ments of
government"
«ministère»

"Minister"
«ministre»

"respondent"
«intéressé»

2. In this Act,
"Chief Statistician" means the Chief Statistician of Canada appointed under subsection 4(1);

"department" or "departments of government" means any department, board, bureau or other division of the Government of Canada or of the government of a province or any agency of either;

"Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

"respondent" means a person in respect of whom or in respect of whose activities any report or information is sought or provided pursuant to this Act, 1970-71-72, c. 15, s. 2.

STATISTICS CANADA

Statistics
bureau

3. There shall continue to be a statistics bureau under the Minister, to be known as Statistics Canada, the duties of which are

(a) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and condition of the people;

(b) to collaborate with departments of government in the collection, compilation and publication of statistical information, includ-

CHAPITRE S-19

Loi concernant la statistique du Canada

TITRE ABRÉGÉ

1. *Loi sur la statistique*, 1970-71-72, ch. 15, art. 1. Titre abrégé

DÉFINITIONS

Définitions

2. Les définitions qui suivent s'appliquent à la présente loi.

«intéressé» Personne sur laquelle ou sur les activités de laquelle un rapport ou des renseignements sont demandés ou fournis en application de la présente loi.

«ministère» Tout ministère ou organisme fédéral ou provincial.

«ministre» Le membre du Conseil privé de la Reine pour le Canada chargé par le gouverneur en conseil de l'application de la présente loi.

«statisticien en chef» Le statisticien en chef du Canada nommé en vertu du paragraphe 4(1), 1970-71-72, ch. 15, art. 2.

«intéressé»
«respondent»

«ministère»
«département»

«ministre»
«Minister»

«statisticien en
chef»
«Chief...»

STATISTIQUE CANADA

Bureau de la
statistique

3. Est maintenu, sous l'autorité du ministre, un bureau de la statistique appelé Statistique Canada, dont les fonctions sont les suivantes :

a) recueillir, compiler, analyser, dépouiller et publier des renseignements statistiques sur les activités commerciales, industrielles, financières, sociales, économiques et générales de la population et sur l'état de celle-ci;

b) collaborer avec les ministères à la collecte, à la compilation et à la publication de renseignements statistiques, y compris les

ing statistics derived from the activities of those departments;

(c) to take the census of population of Canada and the census of agriculture of Canada as provided in this Act;

(d) to promote the avoidance of duplication in the information collected by departments of government; and

(e) generally, to promote and develop integrated social and economic statistics pertaining to the whole of Canada and to each of the provinces thereof and to coordinate plans for the integration of those statistics. 1970-71-72, c. 15, s. 3.

Chief
Statistician

4. (1) The Governor in Council may appoint an officer called the Chief Statistician of Canada to be the deputy of the Minister for the purposes of this Act and to hold office during pleasure.

Duties

(2) The Chief Statistician shall, under the direction of the Minister,

(a) advise on matters pertaining to statistical programs of the departments and agencies of the Government of Canada, and confer with those departments and agencies to that end; and

(b) supervise generally the administration of this Act and control the operations and staff of Statistics Canada.

Report to
Minister

(3) In each fiscal year the Chief Statistician shall make a report to the Minister with regard to the activities of Statistics Canada in the preceding fiscal year, and the report made hereunder shall be included in the Minister's annual report to Parliament as a separate part thereof. 1970-71-72, c. 15, s. 4.

Temporary
employees

5. (1) The Minister may employ, in the manner authorized by law, such commissioners, enumerators, agents or other persons as are necessary to collect for Statistics Canada such statistics and information as the Minister deems useful and in the public interest relating to such commercial, industrial, financial, social, economic and other activities as the Minister may determine, and the duties of the commissioners, enumerators, agents or other persons shall be those duties prescribed by the Minister.

Public servants

(2) The Minister may, for such periods as the Minister may determine, use the services of any employee of the public service of Canada in the exercise or performance of any duty,

statistiques qui découlent des activités de ces ministères;

c) recenser la population du Canada et faire le recensement agricole du Canada de la manière prévue à la présente loi;

d) veiller à prévenir le double emploi dans la collecte des renseignements par les ministères;

e) en général, favoriser et mettre au point des statistiques sociales et économiques intégrées concernant l'ensemble du Canada et chacune des provinces, et coordonner des projets pour l'intégration de telles statistiques. 1970-71-72, ch. 15, art. 3.

Statisticien en
chef

4. (1) Le gouverneur en conseil peut nommer, à titre amovible, un haut fonctionnaire appelé le statisticien en chef du Canada. Celui-ci est le représentant du ministre pour l'application de la présente loi.

Fonctions

(2) Sous la direction du ministre, le statisticien en chef :

a) donne des avis sur des sujets concernant les programmes statistiques des ministères et organismes fédéraux et confère avec eux à cette fin;

b) voit, en général, à l'application de la présente loi, dirige les opérations de Statistique Canada et contrôle la gestion de son personnel.

Rapport au
ministre

(3) Le statisticien en chef, à chaque exercice, présente au ministre un rapport sur les travaux de Statistique Canada pour l'exercice précédent; ce rapport est inclus dans le rapport annuel du ministre au Parlement mais sous forme distincte. 1970-71-72, ch. 15, art. 4.

Employés
temporaires

5. (1) Le ministre peut employer, de la manière autorisée par la loi, les commissaires, recenseurs, agents ou autres personnes qui sont nécessaires à la collecte, pour Statistique Canada, des statistiques et des renseignements qu'il estime utiles et d'intérêt public, concernant les activités commerciales, industrielles, financières, sociales, économiques et autres, qu'il peut déterminer. Leurs fonctions sont celles qu'il prescrit.

Fonctionnaires

(2) Le ministre peut, pour les périodes qu'il détermine, faire usage des services de tout employé de l'administration publique fédérale pour l'exercice de toute fonction de Statistique

power or function of Statistics Canada or an officer of Statistics Canada under this Act or any other Act, and any person whose services are so used shall, for the purposes of this Act, be deemed to be a person employed under this Act.

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(3) Any persons retained under contract to perform special services for the Minister pursuant to this Act and the employees and agents of those persons shall, for the purposes of this Act, be deemed to be persons employed under this Act while performing those services. 1970-71-72, c. 15, s. 5.

if office

6. (1) The Chief Statistician and every person employed or deemed to be employed pursuant to this Act shall, before entering on his duties, take and subscribe the following oath or solemn affirmation:

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

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(2) The oath or solemn affirmation set out in subsection (1) shall be taken before such person, and returned and recorded in such manner, as the Minister may direct.

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(3) Where a person retained under contract to perform special services for the Minister pursuant to this Act is a body corporate, the chief executive officer thereof and such other officers, employees and agents thereof as are used to perform the special services shall, before entering on any of the duties required under the contract, take and subscribe the following oath or solemn affirmation:

I, do solemnly swear (or affirm) that I will faithfully and honestly fulfil my duties as an employee of (name body corporate) in respect of my employment in carrying out (identify here contract with Minister) in conformity with the requirements of the *Statistics Act*, and of all rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment as described herein.

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(4) The oath or solemn affirmation set out in subsection (3) shall be taken before such person, and returned and recorded in such

Canada ou d'un fonctionnaire de celui-ci en vertu de la présente loi ou de toute autre loi. Toute personne dont les services sont ainsi utilisés est, pour l'application de la présente loi, réputée être une personne employée en vertu de la présente loi.

Services
contractuels

(3) Les personnes engagées à contrat pour des services spéciaux au ministre en application de la présente loi, de même que les employés et les agents de ces personnes, sont réputés être des personnes employées en vertu de la présente loi pendant qu'elles rendent ces services. 1970-71-72, ch. 15, art. 5.

Serment
professionnel

6. (1) Le statisticien en chef et toute personne employée ou réputée être employée en application de la présente loi, avant d'entrer en fonctions, prêtent le serment, ou font l'affirmation solennelle, qui suit :

Je, jure (ou affirme) solennellement que j'exercerai fidèlement et honnêtement mes fonctions d'employé de Statistique Canada en conformité avec les prescriptions de la *Loi sur la statistique*, ainsi que toutes règles et instructions établies sous son régime, et que je ne révélerai ni ne ferai connaître, sans y avoir été dûment autorisé(e), rien de ce qui parviendra à ma connaissance du fait de mon emploi.

Attestation

(2) Le serment ou l'affirmation solennelle énoncés au paragraphe (1) sont prêtés devant la personne que le ministre peut désigner, et rapportés et enregistrés de la manière que celui-ci peut prescrire.

Personnes
morales parties
à un contrat

(3) Les dirigeants, notamment le premier dirigeant, ainsi que les employés et mandataires d'une personne morale retenue par contrat pour accomplir pour le ministre des services spéciaux en application de la présente loi, avant d'exercer les fonctions que prévoit ce contrat, prêtent le serment, ou font l'affirmation solennelle, qui suit :

Je, jure (ou affirme) solennellement que j'exercerai fidèlement et honnêtement mes fonctions d'employé de (nom de la personne morale) en ce qui concerne les fonctions stipulées au (indiquer ici de quel contrat administratif il s'agit) en conformité avec les prescriptions de la *Loi sur la statistique*, ainsi que toutes règles et instructions établies sous son régime, et que je ne révélerai ni ne ferai connaître, sans y avoir été dûment autorisé(e), rien de ce qui parviendra à ma connaissance du fait de mon emploi.

Attestation

(4) Le serment ou l'affirmation solennelle énoncés au paragraphe (3) sont prêtés devant la personne que le ministre peut désigner, et rap-

manner, as the Minister may direct. 1970-71-72, c. 15, s. 6; 1976-77, c. 28, s. 41.

Rules and
instructions

7. The Minister may, by order, prescribe such rules, instructions, schedules and forms as the Minister deems requisite for conducting the work and business of Statistics Canada, the collecting, compiling and publishing of statistics and other information and the taking of any census authorized by this Act. 1970-71-72, c. 15, s. 7.

Voluntary
surveys

8. The Minister may, by order, authorize the obtaining, for a particular purpose, of information, other than information for a census of population or agriculture, on a voluntary basis, but where such information is requested section 31 does not apply in respect of a refusal or neglect to furnish the information. 1980-81-82-83, c. 47, s. 41.

portés et enregistrés de la manière que celui-ci peut prescrire. 1970-71-72, ch. 15, art. 6; 1976-77, ch. 28, art. 41.

Règles et
instructions

7. Le ministre peut, par arrêté, prescrire les règles, instructions, questionnaires et formules qu'il juge nécessaires pour les travaux et opérations de Statistique Canada, pour la collecte, la compilation et la publication des statistiques et autres renseignements et pour tout recensement autorisé par la présente loi. 1970-71-72, ch. 15, art. 7.

Enquête
volontaire

8. Le ministre peut, par arrêté, autoriser l'obtention, à des fins particulières autres que le recensement de la population ou le recensement agricole, de renseignements à titre volontaire, mais l'article 31 ne s'applique pas en cas de refus ou de négligence de fournir les renseignements ainsi demandés, 1980-81-82-83, ch. 47, art. 41.

STATISTICS

No discrimina-
tion

9. (1) Neither the Governor in Council nor the Minister shall, in the execution of the powers conferred by this Act, discriminate between individuals or companies to the prejudice of those individuals or companies.

Use of sampling
methods

(2) Notwithstanding anything in this Act, the Minister may authorize the use of sampling methods for the collection of statistics. 1970-71-72, c. 15, s. 8.

Arrangements
with provincial
governments

10. (1) The Minister may enter into any arrangement with the government of a province providing for any matter necessary or convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:

- (a) the execution by provincial officers of any power or duty conferred or imposed on any officer pursuant to this Act;
- (b) the collection by any provincial department or provincial officer of any statistical or other information required for the purpose of this Act; and
- (c) the supplying of statistical information by any provincial department or provincial officer to the Chief Statistician.

Provincial
officers

(2) All provincial officers executing any power or duty conferred or imposed on any officer pursuant to this Act, in pursuance of

STATISTIQUE

Absence de
distinctions

9. (1) Ni le gouverneur en conseil ni le ministre ne peuvent, dans l'exercice des pouvoirs conférés par la présente loi, établir de distinction entre des particuliers ou des compagnies au préjudice d'un ou plusieurs de ces particuliers ou compagnies.

Emploi de
méthodes
d'échantillon-
nage

(2) Nonobstant les autres dispositions de la présente loi, le ministre peut autoriser l'emploi de méthodes d'échantillonnage pour la collecte de statistiques. 1970-71-72, ch. 15, art. 8.

Arrangements
avec des
gouvernements
provinciaux

10. (1) Le ministre peut conclure avec le gouvernement d'une province des arrangements portant sur toute mesure utile à l'application ou à la mise en œuvre de la présente loi, et en particulier, sur tout ou partie des mesures suivantes :

- a) l'exercice, par des fonctionnaires provinciaux, de fonctions attribuées ou imposées à un fonctionnaire en conformité avec la présente loi;
- b) la collecte, par les ministères ou fonctionnaires provinciaux, de renseignements statistiques ou autres requis pour l'application de la présente loi;
- c) la communication de renseignements statistiques au statisticien en chef par les ministères ou fonctionnaires provinciaux.

Fonctionnaires
provinciaux

(2) Les fonctionnaires provinciaux qui exercent, en application d'un arrangement conclu en vertu du présent article, une fonction attri-

any arrangement entered into under this section, shall, for the purposes of the execution of that power or duty, be deemed to be employed under this Act. 1970-71-72, c. 15, s. 9.

buée ou imposée à un fonctionnaire en application de la présente loi sont, aux fins de l'exercice de cette fonction, réputés être employés en vertu de la présente loi. 1970-71-72, ch. 15, art. 9.

ements
provinciaux
aments

11. (1) The Minister may, with the approval of the Governor in Council and subject to this section, enter into an agreement with the government of a province for the exchange with, or transmission to, a statistical agency of the province of

- (a) replies to any specific statistical inquiries;
- (b) replies to any specific classes of information collected under this Act; and
- (c) any tabulations and analyses based on replies referred to in paragraph (a) or (b).

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(2) An agreement with a province for the purposes of this section shall apply only in respect of a statistical agency of the province

- (a) that has statutory authority to collect the information that is intended to be exchanged or transmitted pursuant to the agreement from a respondent who is subject to statutory penalties for refusing or neglecting to furnish information to the agency or for falsifying information furnished by him to the agency;
- (b) that is prohibited by law from disclosing any information of a kind that Statistics Canada, its officers and employees would be prohibited from disclosing under section 17, if the information were furnished to Statistics Canada; and
- (c) whose officers and employees are subject to statutory penalties for the disclosing of any information of the kind described in paragraph (b), subject to exceptions authorized by law that are substantially the same as those provided under section 17.

applica-
of
ment

(3) Except in respect of information described in subsection 17(2), no agreement entered into under this section applies to any reply made to or information collected by Statistics Canada or an agency of the government of a province before the date that the agreement was entered into or is to have effect, whichever is the later date.

Accord avec des
gouvernements
provinciaux

11. (1) Le ministre peut, avec l'approbation du gouverneur en conseil et sous réserve des autres dispositions du présent article, conclure avec le gouvernement d'une province un accord relatif à l'échange avec un organisme de statistique de cette province ou à la transmission à cet organisme :

- a) des réponses à des enquêtes statistiques déterminées;
- b) des réponses à des catégories déterminées de renseignements recueillis en vertu de la présente loi;
- c) des classifications et analyses fondées sur des réponses visées aux alinéas a) ou b).

(2) Un accord conclu avec une province pour l'application du présent article ne s'applique qu'à un organisme de statistique de la province :

- a) qui est investi par une loi du pouvoir de recueillir les renseignements destinés à être échangés ou transmis en application de cet accord, d'un intéressé qui est passible de peines légales s'il refuse ou néglige de fournir ces renseignements à l'organisme ou s'il falsifie des renseignements qu'il lui fournit;
- b) à qui il est légalement interdit de révéler tous renseignements du genre de ceux que Statistique Canada et son personnel ne seraient pas autorisés à révéler aux termes de l'article 17, si les renseignements étaient fournis à Statistique Canada;
- c) dont le personnel est passible de peines légales pour la révélation de tous renseignements du genre visé à l'alinéa b), sous réserve des exceptions légalement autorisées qui sont en substance les mêmes que celles que prévoit l'article 17.

Genre
d'organisme de
statistique

(3) Sauf pour les renseignements visés au paragraphe 17(2), nul accord conclu en vertu du présent article ne s'applique à une réponse faite à Statistique Canada ou à un organisme du gouvernement d'une province, ni à des renseignements recueillis par eux, avant la date de sa conclusion, ou celle de sa mise en application si celle-ci est postérieure à celle-là.

Non-applica-
tion de l'accord

Informing
respondent

(4) Where any information in respect of which an agreement under this section applies is collected by Statistics Canada from a respondent, Statistics Canada shall, when collecting information, advise the respondent of the names of any statistical agencies in respect of which the Minister has an agreement under this section and to which the information received from the respondent may be communicated under that agreement. 1970-71-72, c. 15, s. 10.

(4) Lorsque des renseignements auxquels s'applique un accord conclu en vertu du présent article sont recueillis par Statistique Canada auprès d'un intéressé, Statistique Canada, en recueillant les renseignements, communique à l'intéressé les noms des organismes de statistique avec lesquels le ministre a conclu en vertu du présent article un accord aux termes duquel les renseignements obtenus de l'intéressé peuvent leur être communiqués. 1970-71-72, ch. 15, art. 10.

Information de
l'intéresséSharing of
information

12. (1) The Minister may enter into an agreement with any department or municipal or other corporation for the sharing of information collected from a respondent by either Statistics Canada or the department or corporation on behalf of both of them and for the subsequent tabulation or publication based on that information.

12. (1) Le ministre peut conclure avec tout ministère ou toute municipalité ou autre personne morale un accord portant sur la communication des renseignements recueillis d'un intéressé par Statistique Canada ou ce ministère ou cette personne morale pour leur compte ainsi que sur les classifications ou publications subséquentes fondées sur ces renseignements.

Communication
des renseignements

Agreement

(2) An agreement under subsection (1) shall provide that

- (a) the respondent be informed by notice that the information is being collected on behalf of Statistics Canada and the department or corporation, as the case may be; and
- (b) where the respondent gives notice in writing to the Chief Statistician that the respondent objects to the sharing of the information by Statistics Canada, the information not be shared with the department or corporation unless the department or corporation is authorized by law to require the respondent to provide that information.

(2) Un accord conclu en vertu du paragraphe (1) prévoit:

- a) que l'intéressé est informé, par avis à cet effet, que les renseignements sont recueillis pour le compte de Statistique Canada et du ministère ou de la personne morale en cause, selon le cas;
- b) que lorsque l'intéressé donne par écrit au statisticien en chef avis de son opposition à la communication des renseignements par Statistique Canada, ceux-ci ne peuvent être communiqués au ministère ou à la personne morale à moins que ces derniers ne soient autorisés par la loi à exiger de l'intéressé qu'il fournisse cette information.

Accord

What information
may be
shared

(3) Information shared pursuant to this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to Statistics Canada or the department or corporation. R.S., 1985, c. S-19, s. 12; 1992, c. 1, s. 130.

(3) La communication de renseignements faite en application du présent article peut, sous réserve du paragraphe (2), comprendre les réponses aux enquêtes initiales et les renseignements supplémentaires fournis par un intéressé à Statistique Canada ou au ministère ou à la personne morale. L.R. (1985), ch. S-19, art. 12; 1992, ch. 1, art. 130.

Contenu de la
communicationAccess to
records

13. A person having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of that information, shall grant access thereto for those purposes to a person authorized by the Chief Statistician to obtain that information or aid in the completion or correction of that information. 1970-71-72, c. 15, s. 12.

13. Une personne ayant la garde ou la charge de documents ou archives conservés dans un ministère ou dans un bureau municipal, une personne morale, entreprise ou organisation et dont on pourrait tirer des renseignements recherchés pour les objets de la présente loi ou qui aideraient à compléter ou à corriger ces renseignements, est tenue d'en permettre l'accès, à ces fins, à une personne autorisée par le statisticien en chef à obtenir ces renseignements ou cette aide pour le complètement ou la

Accès aux
archives

correction de ces renseignements. 1970-71-72, ch. 15, art. 12.

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14. Any letter purporting to be signed by the Minister, the Chief Statistician or any person who may be authorized by the Minister for such purpose, that gives notice of any appointment or removal of, or that sets forth any instructions to, any person employed in the execution of any duty under this Act is evidence of the appointment, removal or instructions, and that the letter was signed and addressed as it purports to be. 1970-71-72, c. 15, s. 13.

14. Une lettre paraissant signée par le ministre, le statisticien en chef ou une autre personne qui peut être autorisée à cette fin par le ministre et portant avis de la nomination ou de la destitution d'une personne chargée d'exercer une fonction en vertu de la présente loi ou contenant des instructions adressées à une telle personne, fait foi de cette nomination, de cette destitution ou de ces instructions et du fait que cette lettre a été signée et adressée ainsi qu'elle paraît l'être. 1970-71-72, ch. 15, art. 13.

Preuve de
nomination

mpion

15. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of a census or the collection of statistics or other information, or purporting to set forth any instructions relating thereto, that is produced by any person employed in the execution of any duty under this Act as being that form or as setting forth those instructions, shall be presumed to have been supplied by the proper authority to the person so producing it, and is evidence of all instructions therein set forth. 1970-71-72, c. 15, s. 14.

15. Un document, sous forme manuscrite ou imprimée, paraissant être une formule dont l'utilisation est autorisée pour un recensement ou la collecte de statistiques ou autres renseignements, ou paraissant contenir des instructions qui s'y rapportent, et présenté par une personne chargée d'exercer une fonction en vertu de la présente loi comme étant cette formule ou comme contenant ces instructions, est présumé avoir été fourni par l'autorité compétente à la personne présentant ce document, et fait foi de toutes les instructions qui y sont contenues. 1970-71-72, ch. 15, art. 14.

Présomption

ination

16. (1) The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables setting forth the rates of remuneration or allowances for commissioners, enumerators and other persons employed under this Act, which may be a fixed sum, a rate per diem or a scale of fees, together with allowances for expenses.

16. (1) Sous réserve de l'approbation du gouverneur en conseil, le ministre doit faire établir un ou plusieurs barèmes indiquant les tarifs de la rémunération ou des allocations payables aux commissaires, recenseurs et autres personnes employés en vertu de la présente loi. Ces barèmes peuvent prévoir une somme fixe, un tarif quotidien ou une échelle d'honoraires, ainsi que des indemnités pour frais.

Rémunération

tion of
ent

(2) Full remuneration or allowance shall not be paid to any person referred to in subsection (1) for any service performed in connection with this Act until the service required of the person has been faithfully and entirely performed. 1970-71-72, c. 15, s. 15.

(2) La pleine rémunération ou indemnité ne peut être payée à une personne mentionnée au paragraphe (1), pour un service fourni relativement à la présente loi, tant que le service requis de cette personne n'a pas été fidèlement et entièrement fourni. 1970-71-72, ch. 15, art. 15.

Condition de
paiement

SECRECY

SECRET

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at
gning
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17. (1) Except for the purpose of communicating information in accordance with any conditions of an agreement made under section 11 or 12 and except for the purposes of a prosecution under this Act but subject to this section,

17. (1) Sous réserve des autres dispositions du présent article et sauf pour communiquer des renseignements conformément aux modalités des accords conclus en application des articles 11 ou 12 ou en cas de poursuites engagées en vertu de la présente loi :

Protection des
renseignements

(a) no person, other than a person employed or deemed to be employed under this Act, and sworn under section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and

(b) no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from the disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.

Exception to
prohibition

(2) The Chief Statistician may, by order, authorize the following information to be disclosed:

(a) information collected by persons, organizations or departments for their own purposes and communicated to Statistics Canada before or after May 1, 1971, but that information when communicated to Statistics Canada shall be subject to the same secrecy requirements to which it was subject when collected and may only be disclosed by Statistics Canada in the manner and to the extent agreed on by the collector thereof and the Chief Statistician;

(b) information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;

(c) information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;

(d) information available to the public under any statutory or other law;

(e) information relating to any hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate the particulars to any individual patient, inmate or other person in the care of any such institution;

(f) information in the form of an index or list of individual establishments, firms or businesses, showing any, some or all of the following in relation to them:

a) nul, si ce n'est une personne employée ou réputée être employée en vertu de la présente loi et qui a été assermentée en vertu de l'article 6, ne peut être autorisé à prendre connaissance d'un relevé fait pour l'application de la présente loi;

b) aucune personne qui a été assermentée en vertu de l'article 6 ne peut révéler ni sciemment faire révéler, par quelque moyen que ce soit, des renseignements obtenus en vertu de la présente loi de telle manière qu'il soit possible, grâce à ces révélations, de rattacher à un particulier, à une entreprise ou à une organisation identifiables les détails obtenus dans un relevé qui les concerne exclusivement.

(2) Le statisticien en chef peut, par arrêté, autoriser la révélation des renseignements suivants :

Exception à
l'interdiction

a) les renseignements recueillis par des personnes, des organisations ou des ministères, pour leur propre usage, et communiqués à Statistique Canada avant ou après le 1^{er} mai 1971; toutefois, ces renseignements sont assujettis, lorsqu'ils ont été communiqués à Statistique Canada, aux prescriptions concernant le secret auxquelles ils étaient assujettis lorsqu'ils ont été recueillis et ils ne peuvent être révélés par Statistique Canada que de la manière et dans la mesure où en sont convenus ceux qui les ont recueillis et le statisticien en chef;

b) les renseignements ayant trait à une personne ou à une organisation, lorsque cette personne ou organisation donne, par écrit, son consentement à leur révélation;

c) les renseignements ayant trait à une entreprise, lorsque celui qui à ce moment-là en est le propriétaire donne, par écrit, son consentement à leur révélation;

d) les renseignements mis à la disposition du public en vertu d'une loi ou de toute autre règle de droit;

e) les renseignements ayant trait à un hôpital, un établissement pour malades mentaux, une bibliothèque, un établissement d'enseignement, un établissement d'assistance sociale ou autre établissement non commercial du même genre, à l'exception des détails présentés de telle façon qu'elle permettrait à n'importe qui de les rattacher à un malade, un pensionnaire ou une autre personne dont s'occupe un tel établissement;

- (i) their names and addresses,
- (ii) the telephone numbers at which they may be reached in relation to statistical matters.
- (iii) the official language in which they prefer to be addressed in relation to statistical matters.
- (iv) the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, or
- (v) whether they are within specific ranges of numbers of employees or persons engaged by them or constituting their work force; and
- (g) information relating to any carrier or public utility.

f) les renseignements revêtant la forme d'un index ou d'une liste, relativement à des établissements particuliers, ou des firmes ou entreprises particulières, indiquant l'un ou plusieurs des éléments suivants:

- (i) leurs noms et adresses,
- (ii) les numéros de téléphone où les joindre relativement à des données statistiques,
- (iii) la langue officielle qu'ils préfèrent utiliser relativement à des données statistiques,
- (iv) les produits obtenus, manufacturés, fabriqués, préparés, transportés, entreposés, achetés ou vendus par eux, ou les services qu'ils fournissent au cours de leurs activités,
- (v) s'ils se rangent dans des catégories déterminées quant au nombre des employés ou des personnes qu'ils engagent ou qui constituent leur main-d'oeuvre;

g) les renseignements ayant trait à un transporteur ou à une entreprise d'utilité publique.

ons - (3) In this section,

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

utility" "public utility" means any person or association of persons that owns, operates or manages an undertaking

- (a) for the supply of petroleum or petroleum products by pipeline,
- (b) for the supply, transmission or distribution of gas, electricity, steam or water,
- (c) for the collection and disposal of garbage or sewage or for the control of pollution,
- (d) for the transmission, emission, reception or conveyance of information by any telecommunication system, or
- (e) for the provision of postal services.

R.S., 1985, c. S-19, s. 17; 1992, c.1, s. 131

ation is ted 18. (1) Except for the purposes of a prosecution under this Act, any return made to Statistics Canada pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings whatever.

(3) Les définitions qui suivent s'appliquent au présent article.

«entreprise d'utilité publique» Entreprise possédée, exploitée ou dirigée par une personne ou un groupe de personnes et dont l'objet est, selon le cas :

- a) la fourniture de pétrole ou de produits pétroliers par pipeline;
- b) la fourniture, le transport ou la distribution de gaz, d'électricité, de vapeur ou d'eau;
- c) l'enlèvement et l'élimination ou le traitement des ordures ou des eaux-vannes à la lutte contre la pollution;
- d) la transmission, l'émission, la réception ou la communication de renseignements au moyen d'un système de télécommunication;
- e) la fourniture de services postaux.

«transporteur» Personne ou groupe de personnes qui possède, exploite ou dirige une entreprise qui transporte des personnes ou des marchandises par quelque moyen de transport terrestre, maritime ou aérien. L.R. (1985), ch. S-19, art. 17; 1992, ch. 1, art. 131.

Définitions

«entreprise d'utilité publique» «public...»

«transporteur» «carrier»

Renseignements protégés

		peuvent servir de preuve dans aucune procédure quelle qu'elle soit.	
Idem	(2) No person sworn under section 6 shall by an order of any court, tribunal or other body be required in any proceedings whatever to give oral testimony or to produce any return, document or record with respect to any information obtained in the course of administering this Act.	(2) Aucune personne assermentée en vertu de l'article 6 ne peut être requise, par ordonnance d'un tribunal ou d'un autre organisme, dans quelque procédure que ce soit, de faire une déposition orale ni de produire un relevé, un document ou des archives ayant trait à des renseignements obtenus dans le cadre de l'application de la présente loi.	Idem
Application of section	(3) This section applies in respect of any information that Statistics Canada is prohibited by this Act from disclosing or that may only be disclosed pursuant to an authorization under subsection 17(2). 1970-71-72, c. 15, s. 17.	(3) Le présent article s'applique à l'égard des renseignements que la présente loi interdit à Statistique Canada de révéler ou qui ne peuvent être révélés qu'en conformité avec une autorisation donnée en vertu du paragraphe 17(2). 1970-71-72, ch. 15, art. 17.	Application du présent article
	POPULATION CENSUS AND AGRICULTURE CENSUS	RECENSEMENT DE LA POPULATION ET RECENSEMENT AGRICOLE	
Population census	19. (1) A census of population of Canada shall be taken by Statistics Canada in the month of June in the year 1971, and every fifth year thereafter in a month to be fixed by the Governor in Council.	19. (1) Le recensement de la population du Canada est fait par Statistique Canada à tous les cinq ans, à compter de juin 1971, dans le mois qui est fixé par le gouverneur en conseil.	Recensement de la population
Counts of electoral divisions	(2) The census of population shall be taken in such a manner as to ensure that counts of the population are provided for each federal electoral district of Canada, as constituted at the time of each census of population.	(2) Le recensement de la population est fait de façon à veiller à ce que le dénombrement de la population soit établi pour chaque circonscription électorale fédérale du Canada, telle qu'elle est constituée lors du recensement.	Dénombrement par division électorale
Decennial census	(3) A reference in any Act of Parliament, in any order, rule or regulation or in any contract or other document made thereunder to a decennial census of population shall, unless the context otherwise requires, be construed to refer to the census of population taken by Statistics Canada in the year 1971 or in any tenth year thereafter. 1970-71-72, c. 15, s. 18.	(3) Lorsque, dans une loi fédérale ou dans une ordonnance, un décret, un arrêté, une règle, un règlement ou dans un contrat ou autre document qui en découle, il est fait mention d'un recensement décennal de la population, cette mention doit, sauf si le contexte s'y oppose, être interprétée comme désignant le recensement de la population fait par Statistique Canada en 1971 ou dans la dernière année de l'une des décennies subséquentes. 1970-71-72, ch. 15, art. 18.	Recensement décennal
Agriculture census	20. A census of agriculture of Canada shall be taken by Statistics Canada (a) in the year 1971 and in every tenth year thereafter; and (b) in the year 1976 and in every tenth year thereafter, unless the Governor in Council otherwise directs in respect of any such year. 1970-71-72, c. 15, s. 19.	20. Un recensement agricole du Canada est fait par Statistique Canada : a) à tous les dix ans, à compter de l'année 1971; b) à tous les dix ans, à compter de l'année 1976, sauf, éventuellement, dans les cas où le gouverneur en conseil en décide autrement. 1970-71-72, ch. 15, art. 19.	Recensement agricole
Census questions	21. (1) The Governor in Council shall, by order, prescribe the questions to be asked in	21. (1) Le gouverneur en conseil prescrit, par décret, les questions à poser lors d'un recensement fait en vertu des articles 19 ou 20.	Questions posées

any census taken by Statistics Canada under section 19 or 20.

cution

(2) Every order made under subsection (1) shall be published in the *Canada Gazette* not later than thirty days after it is made. 1970-71-72, c. 15, s. 20.

GENERAL STATISTICS

ral
tics

22. Without limiting the duties of Statistics Canada under section 3 or affecting any of its powers or duties in respect of any specific statistics that may otherwise be authorized or required under this Act, the Chief Statistician shall, under the direction of the Minister, collect, compile, analyse, abstract and publish statistics in relation to all or any of the following matters in Canada:

- (a) population;
- (b) agriculture;
- (c) health and welfare;
- (d) law enforcement, the administration of justice and corrections;
- (e) government and business finance;
- (f) immigration and emigration;
- (g) education;
- (h) labour and employment;
- (i) commerce with other countries;
- (j) prices and the cost of living;
- (k) forestry, fishing and trapping;
- (l) mines, quarries and wells;
- (m) manufacturing;
- (n) construction;
- (o) transportation, storage and communication;
- (p) electric power, gas and water utilities;
- (q) wholesale and retail trade;
- (r) finance, insurance and real estate;
- (s) public administration;
- (t) community, business and personal services; and
- (u) any other matters prescribed by the Minister or by the Governor in Council. 1970-71-72, c. 15, s. 21; 1976-77, c. 54, s. 74.

ing system
oods

22.1 (1) The Chief Statistician shall establish a coding system for goods imported into and exported from Canada to enable the Chief Statistician to collect, compile, analyse, abstract and publish statistics in relation to those goods.

(2) Chaque décret pris en vertu du paragraphe (1) est publié dans la *Gazette du Canada* au plus tard trente jours après qu'il a été pris. 1970-71-72, ch. 15, art. 20.

Publication

STATISTIQUE GÉNÉRALE

Statistique
générale

22. Sans pour autant restreindre les fonctions attribuées à Statistique Canada par l'article 3 ni porter atteinte à ses pouvoirs ou fonctions concernant des statistiques déterminées qui peuvent être par ailleurs autorisées ou exigées en vertu de la présente loi, le statisticien en chef doit, sous la direction du ministre, recueillir, compiler, analyser, dépouiller et publier, en ce qui concerne le Canada, des statistiques sur tout ou partie des sujets suivants :

- a) population;
- b) agriculture;
- c) santé et protection sociale;
- d) application des lois, administration de la justice et services correctionnels;
- e) finances publiques, industrielles et commerciales;
- f) immigration et émigration;
- g) éducation;
- h) travail et emploi;
- i) commerce extérieur;
- j) prix et coût de la vie;
- k) forêts, pêches et piégeage;
- l) mines, carrières et puits;
- m) fabrication;
- n) construction;
- o) transport, entreposage et communications;
- p) services d'électricité, de gaz et d'eau;
- q) commerce de gros et de détail;
- r) finance, assurance et immobilier;
- s) administration publique;
- t) services communautaires, commerciaux, industriels et personnels;
- u) tous autres sujets prescrits par le ministre ou par le gouverneur en conseil. 1970-71-72, ch. 15, art. 21; 1976-77, ch. 54, art. 74.

22.1 (1) Le statisticien en chef établit un système de codification des marchandises importées ou exportées qui lui permette de recueillir, compiler, analyser, dépouiller et publier les statistiques concernant ces marchandises.

Système de
codification des
marchandises

Publication in
Canada Gazette

(2) The Coding System shall be published in Part I of the *Canada Gazette*.
1988, c. 65, s. 146.

Forms for
statistical data

23. (1) In lieu of or in addition to using agents or employees for the collection of statistics under this Act, the Minister may prescribe that a form be sent to a person from whom information authorized to be obtained under this Act is sought.

Return of forms

(2) Subject to section 8, a person to whom a form is sent pursuant to subsection (1) shall answer the inquiries thereon and return the form and answers to Statistics Canada properly certified as accurate, not later than the time prescribed thereby by the Minister and indicated on the form or not later than such extended time as may be allowed in the discretion of the Minister. 1970-71-72, c. 15, s. 22; 1980-81-82-83, c. 47, s. 41.

Returns under
Income Tax
Act

24. For the purposes of this Act and subject to section 17,

(a) the Chief Statistician or any person authorized by the Chief Statistician to do so may inspect and have access to any returns, certificates, statements, documents or other records obtained on behalf of the Minister of National Revenue for the purposes of the *Income Tax Act* or Part IX of the *Excise Tax Act*, and
(b) the Minister of National Revenue shall cause the returns, certificates, statements, documents, or other records to be made available to the Chief Statistician or person authorized by the Chief Statistician to inspect the records,

in such manner and at such times as the Governor in Council may prescribe on the recommendation of the Minister and the Minister of National Revenue.

R.S., 1985, c. S-19, s. 24; 1990, c. 45, s. 54.

Returns of
exports and
imports from
Customs

25. For the purposes of this Act and subject to section 17, the Minister of National Revenue shall cause to be sent to the Chief Statistician returns of imports and exports into and from Canada and details of the means of transportation used therefor, in such manner and at such times as the Governor in Council may prescribe on the recommendation of the Minister and the Minister of National Revenue. 1970-71-72, c. 15, s. 23; 1976-77, c. 28, s. 41.

(2) Le système de codification doit être publié dans la partie I de la *Gazette du Canada*.

1988, ch. 65, art. 146.

Publication

Obtention des
données statisti-
ques par
formulaire

23. (1) Au lieu ou en plus d'utiliser les services d'agents ou d'employés pour la collecte de statistiques en vertu de la présente loi, le ministre peut prescrire qu'une formule soit envoyée à une personne de qui on cherche à obtenir des renseignements que la présente loi autorise à obtenir.

(2) Cette personne est tenue, sous réserve de l'article 8, de répondre aux questions qui sont posées et de retourner à Statistique Canada la formule avec les réponses, dûment certifiées exactes, au plus tard à la date prescrite à cet effet par le ministre et indiquée sur la formule ou dans le délai supplémentaire que le ministre peut accorder à sa discrétion. 1970-71-72, ch. 15, art. 22; 1980-81-82-83, ch. 47, art. 41.

Retour des
formules

24. Pour l'application de la présente loi et sous réserve de l'article 17 :

a) le statisticien en chef, ou une personne autorisée par lui à le faire, peut examiner tous relevés, certificats, états, documents ou autres archives obtenus pour le compte du ministre du Revenu national pour l'application de la *Loi de l'impôt sur le revenu* ou de la partie IX de la *Loi sur la taxe d'accise* et y avoir accès;
b) le ministre du Revenu national tient ces relevés, certificats, états, documents ou autres archives à la disposition du statisticien en chef ou de la personne autorisée par lui à examiner ces archives,

de la manière et aux dates que le gouverneur en conseil peut prescrire sur proposition du ministre et du ministre du Revenu national.

L.R. (1985), ch. S-19, art. 24; 1990, ch. 45, art. 54.

Relevés fournis
en vertu de la
*Loi de l'impôt
sur le revenu*

25. Pour l'application de la présente loi et sous réserve de l'article 17, le ministre du Revenu national fait envoyer au statisticien en chef les relevés des importations qui entrent au Canada et des exportations qui sortent du Canada et des précisions sur les modes de transport utilisés, de la manière et aux dates que le gouverneur en conseil peut prescrire sur proposition du ministre et du ministre du

Relevés des
importations et
exportations.

Revenu national. 1970-71-72, ch. 15, art. 23;
1976-77, ch. 28, art. 41.

CRIMINAL STATISTICS

26. The clerk of every court or tribunal administering criminal justice or, where there is no clerk, the judge or other functionary presiding over the court or tribunal shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the criminal business transacted in the court or tribunal. 1970-71-72, c. 15, s. 24.

27. The warden of every penitentiary and reformatory and the sheriff of every county, district or other territorial division shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the prisoners committed to any penitentiary, reformatory or jail under his charge or within his jurisdiction. 1970-71-72, c. 15, s. 25.

28. Every person who is required to transmit any schedules mentioned in section 26 or 27 shall from day to day make and keep entries and records of the particulars to be comprised in those schedules. 1970-71-72, c. 15, s. 26.

29. The Solicitor General of Canada shall cause to be filled in and transmitted to the Chief Statistician, at such times and respecting such periods as the Minister may direct, such schedules as the Minister may prescribe relating to the cases in which the prerogative of mercy has been exercised. 1970-71-72, c. 15, s. 27.

OFFENCES AND PUNISHMENT

30. Every person who, after taking the oath set out in subsection 6(1),

(a) deserts from his duty, or wilfully makes any false declaration, statement or return in the performance of his duties,

(b) in the pretended performance of his duties, obtains or seeks to obtain information that the person is not duly authorized to obtain, or

(c) contravenes subsection 17(1)

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both. 1970-71-72, c. 15, s. 28.

STATISTIQUE CRIMINELLE

26. Le greffier de tout tribunal pénal quel qu'il soit ou, à défaut de greffier, le juge ou autre fonctionnaire présidant ce tribunal remplit et transmet, aux dates, de la manière et relativement aux périodes que le ministre peut fixer, les questionnaires qu'il reçoit au sujet des affaires pénales dont ce tribunal a été saisi. 1970-71-72, ch. 15, art. 24.

Transmission
par les
tribunaux de
statistiques
criminelles

27. Le directeur de chaque pénitencier, de chaque maison de correction et le shérif de chaque comté, district ou autre circonscription remplissent et transmettent, aux dates, de la manière et relativement aux périodes que le ministre peut fixer, les questionnaires qu'ils reçoivent au sujet des prisonniers confiés à un pénitencier, une maison de correction ou une maison d'arrêt dont ils ont la charge ou qui est situé dans leur ressort. 1970-71-72, ch. 15, art. 25; 1976-77, ch. 28, art. 49.

Directeurs et
shérifs

28. Toute personne qui est tenue de transmettre des questionnaires mentionnés aux articles 26 ou 27 doit, au jour le jour, faire les inscriptions et tenir les registres de tous les renseignements servant à répondre à ces questionnaires. 1970-71-72, ch. 15, art. 26.

Registres

29. Le solliciteur général du Canada fait remplir et transmet au statisticien en chef, aux dates et pour les périodes que le ministre peut fixer, les questionnaires que ce dernier peut prescrire au sujet des cas où la prérogative de clémence a été exercée. 1970-71-72, ch. 15, art. 27.

Pardons

INFRACTIONS ET PEINES

30. Est coupable d'une infraction et passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines, quiconque, après avoir prêté le serment énoncé au paragraphe 6(1), selon le cas :

Abandon de
fonctions ou
fausse
déclaration

a) abandonne ses fonctions, ou fait volontairement une fausse déclaration ou un faux relevé dans l'exercice de ses fonctions;

b) sous prétexte de l'accomplissement de ses fonctions, obtient ou cherche à obtenir des renseignements qu'il n'est pas dûment autorisé à obtenir;

c) contrevient au paragraphe 17(1). 1970-71-72, ch. 15, art. 28.

False or unlawful information

31. Every person who, without lawful excuse,

(a) refuses or neglects to answer, or wilfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or pertinent thereto that has been asked of him by any person employed or deemed to be employed under this Act, or

(b) refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form that the person has been required to fill in, and to return the same when and as required of him pursuant to this Act, or knowingly gives false or misleading information or practises any other deception thereunder

is, for every refusal or neglect, or false answer or deception, guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both. 1970-71-72, c. 15, s. 29.

Refusal to grant access to records

32. Every person

(a) who, having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of the information, refuses or neglects to grant access to the information to any person authorized for the purpose by the Chief Statistician, or

(b) who otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both. 1970-71-72, c. 15, s. 30.

Leaving notice at house

33. (1) The leaving by an enumerator, agent or other person employed or deemed to be employed under this Act, or the delivery by the post office at any house of any schedule or form purporting to be issued pursuant to this Act, and having thereon a notice requiring that it be filled in and signed within a stated time by

Renseignements faux ou illégaux

31. Est, pour chaque refus, négligence, fausse déclaration ou fraude, coupable d'une infraction et passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de cinq cents dollars et d'un emprisonnement maximal de trois mois, ou de l'une de ces peines, quiconque, sans excuse légitime :

a) soit refuse ou néglige de répondre, ou donne volontairement une réponse fautive, à une question indispensable à l'obtention de renseignements recherchés dans le cadre de la présente loi ou se rapportant à ces renseignements, et qui lui est posée par une personne employée ou réputée être employée en vertu de la présente loi;

b) soit refuse ou néglige de fournir des renseignements ou de remplir au mieux, d'après ce qu'il sait ou croit savoir, un questionnaire ou une formule qu'il a été requis de remplir, et de les transmettre au moment et de la manière fixés en application de la présente loi, ou sciemment donne des renseignements faux ou trompeurs ou commet toute autre fraude sous le régime de la présente loi. 1970-71-72, ch. 15, art. 29.

Refus de permettre l'accès aux archives

32. Est coupable d'une infraction et passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines, quiconque, selon le cas :

a) ayant la garde ou la charge de documents ou archives conservés dans un ministère ou dans un bureau municipal, une personne morale, entreprise ou organisation et dont on pourrait tirer des renseignements recherchés pour les objets de la présente loi ou qui aideraient à compléter ou à corriger ces renseignements, refuse ou néglige d'en permettre l'accès à une personne autorisée à cet effet par le statisticien en chef;

b) autrement, volontairement, fait obstacle ou cherche à faire obstacle d'une façon quelconque à une personne chargée d'exercer une fonction prévue par la présente loi. 1970-71-72, ch. 15, art. 30.

Avis laissé à domicile

33. (1) Le fait qu'un recenseur, un agent ou une autre personne employée ou réputée être employée en vertu de la présente loi a laissé dans une maison ou un logement ou que la poste y a livré un questionnaire ou une formule paraissant avoir été établi en application de la présente loi, et qui contient un avis requérant

the occupant of the house, or in his absence by some other member of the family, is, as against the occupant, a sufficient requirement so to fill in and sign the schedule or form notwithstanding that the occupant is not named in the notice, or personally served therewith.

que le questionnaire ou la formule soit rempli et signé, dans un délai déterminé, par l'occupant de cette maison ou de ce logement, ou en son absence par un autre membre de la famille, constitue, pour l'occupant, une injonction suffisante de remplir et de signer le questionnaire ou la formule, bien que l'occupant ne soit pas nommément désigné dans l'avis, ou qu'il n'en ait pas reçu signification personnelle.

ving notice
office

(2) The leaving by an enumerator, agent or other person employed or deemed to be employed under this Act, at the office or other place of business of any person or the delivery by the post office to any person or his agent, of any schedule or form purporting to be issued pursuant to this Act, and having thereon a notice requiring that it be filled in and signed within a stated time is, as against the person, a sufficient requirement so to fill in and sign the schedule or form, and if so required in the notice, to mail the schedule or form within a stated time to Statistics Canada. 1970-71-72, c. 15, ss. 31, 32.

(2) Le fait qu'un recenseur, un agent ou une autre personne employée ou réputée être employée en vertu de la présente loi a laissé au bureau ou autre lieu d'affaires d'une personne ou que la poste a livré à une personne ou à son agent un questionnaire ou une formule paraissant établi en application de la présente loi, et qui contient un avis requérant que le questionnaire ou la formule soit rempli et signé dans un délai déterminé, constitue, pour cette personne, une injonction suffisante de remplir et de signer le questionnaire ou la formule, ainsi que de l'expédier par la poste, à Statistique Canada, dans un délai déterminé, si l'avis le requiert. 1970-71-72, ch. 15, art. 31 et 32.

Avis laissé au
bureau

closing
ret
ormation

34. Every person who, after taking the oath set out in subsection 6(1),

- (a) wilfully discloses or divulges directly or indirectly to any person not entitled under this Act to receive the same any information obtained by him in the course of his employment that might exert an influence on or affect the market value of any stocks, bonds or other security or any product or article, or
- (b) uses any information described in paragraph (a) for the purpose of speculating in any stocks, bonds or other security or any product or article

is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both. 1970-71-72, c. 15, s. 33.

34. Est coupable d'une infraction et passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de cinq mille dollars et d'un emprisonnement maximal de cinq ans, ou de l'une de ces peines, quiconque, après avoir prêté le serment énoncé au paragraphe 6(1) :

- a) soit, volontairement, révèle ou divulgue, directement ou indirectement, à quiconque n'est pas autorisé par la présente loi à les obtenir, des renseignements qu'il a obtenus dans l'exercice de ses fonctions et qui pourraient avoir une influence ou une incidence sur la valeur marchande d'actions, d'obligations ou autres valeurs ou d'un produit ou article;
- b) soit se sert de tels renseignements pour spéculer sur des actions, obligations ou autres valeurs ou sur un produit ou article. 1970-71-72, ch. 15, art. 33.

Révélation de
renseignements
secrets

ronation of
istics
anada
mployee

35. Every person who

- (a) personates an employee of Statistics Canada for the purpose of obtaining information from any person, or
- (b) represents himself to be making an inquiry under the authority of this Act when

35. Est coupable d'une infraction et passible, sur déclaration de culpabilité par procédure sommaire, d'une amende maximale de mille dollars et d'un emprisonnement maximal de six mois, ou de l'une de ces peines, quiconque :

Usurpation de
la qualité
d'employé de
Statistique
Canada

the person is not an officer, employee or agent of Statistics Canada,
is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.: 1970-71-72, c. 15, s. 34.

a) soit se fait passer pour un employé de Statistique Canada aux fins d'obtenir de quelqu'un des renseignements;

b) soit se présente comme faisant une enquête sous l'autorité de la présente loi alors qu'il n'est pas un fonctionnaire, employé ou agent de Statistique Canada. 1970-71-72, ch. 15, art. 34.

Application of
fines

36. All fines imposed pursuant to this Act belong to Her Majesty in right of Canada and shall be paid to the Receiver General. 1970-71-72, c. 15, s. 35.

Limitation
period

37. Any proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within but not later than two years after the time when the subject-matter of the proceedings arose. 1970-71-72, c. 15, s. 36.

36. Toute amende imposée en application de la présente loi appartient à Sa Majesté du chef du Canada et est versée au receveur général. 1970-71-72, ch. 15, art. 35.

Imputation des
amendes

37. Les poursuites sommaires relatives à une infraction à la présente loi se prescrivent par deux ans à compter de sa perpétration. 1970-71-72, ch. 15, art. 36.

Prescription

1985, c. S-19

개정 1988, c. 65, s. 146

1990, c. 45, s. 54

1992, c. 1, ss. 130, 131

Chapter S-9

캐나다 통계 관련 법률

Short Title

1. 줄임말

이 법은 통계법(Statistics Act. 1970-71-72, c. 15, s. 1.)으로 인용될 수 있다.

해석(Interpretation)

2. 정의(Definitions)

본 법률에서,

“통계청장(Chief Statistician)”

“통계청장(Chief Statistician)”은 본 법률 4(1)세항 하에서 임명된 캐나다 통계청장을 의미한다.

“정부부처(department)” 또는 “정부부처들(departments of government)”

“정부부처(department)” 또는 “정부부처들(departments of government)”은 캐나다 정부 또는 주(州)정부 또는 양자의 산하기관에 속한 부처, 위원단, 국 또는 기타 분과를 의미한다.

“장관(Minister)”

“장관(Minister)”은 추밀원 의장에 의해 본 법률목적 담당장관으로 지목된 캐나다여왕 주재 추밀원 위원을 지칭한다.

“응답자(respondent)”

“응답자(respondent)”는 이 법률에 의하여 해당 개인에 관해 또는 그 개인의 활동에 관해 보고 또는 정보가 요청되거나 제공되고 있는 사람을 의미한다.

3. 통계국(Statistics Bureau)

캐나다 통계청으로 불리우는 통계사무국(statistics bureau)을 장관소속으로 계속해서 두는데, 그 임무는 다음과 같다.

- (a) 캐나다 국민의 상업, 산업, 금융, 사회, 경제 및 일반 활동에 관련된 통계 정보를 수집, 축적, 분석, 귀납, 그리고 발간하는 것
- (b) 통계정보(해당 정부부처 활동으로부터 도출되는 통계를 포함)를 수집, 축적 및 발간시 여타 정부부처와 협력
- (c) 본 법률이 규정하는 바에 따라 캐나다 인구센서스 및 농업센서스 수행
- (d) 정부부처 수집정보의 (불법)복제 방지노력
- (e) 일반적으로 캐나다 전체 또는 각 주(州)에 관한 통합사회·경제통계 촉진 및 개발, 그리고 이와 같은 통계의 통합계획 조율

4. 통계청장(Chief Statistician)

(1) 추밀원 의장은 본 법률상 목적에 관하여 장관을 대변하고, 장관 유고시 대리역할을 수행하도록(hold office during pleasure) 통계청장을 지목할 수 있다.

(2) 직무

통계청장은 장관 감독하에,

- (a) 캐나다 정부부처 및 기관들의 통계프로그램 관련 사항을 제언하고, 이를 위해 해당 정부부처 및 기관들과 협력하며,
- (b) 본 법률의 집행을 일반적으로 총괄과 캐나다 통계청의 전반적인 운영 및 인사 감독 등을 담당한다.

(3) 장관에게 보고

매 회계연도마다 통계청장은 선행 회계연도의 캐나다통계청 활동보고서를 작성하여 장관에게 제출하고, 이 보고서는 장관이 의회에 제출하는 보고서의 독립적인 한 부분으로 포함된다.

5.

(1) 임시직 직원

장관은, 법률상 승인된 방법으로, 장관의 재량하에 결정되는 상업, 산업, 금융, 사회, 경제 및 기타 활동에 관하여 장관이 유용하고 공공이익에 부합되는 것으로 판단한 통계·정보수집에 필요한 인력을 고용할 수 있으며, 이와 같이 고용된 인력의 직무는 장관이 규정한다.

(2) 공무원

장관은 장관 재량하에 결정 가능한 임기동안, 캐나다통계청의 직무·기능수행 및 권한행사를 위해 캐나다공무원(employee of the public service of Canada)을 고용하거나 본 법률 또는 여타 법률 하에서 캐나다통계청 관료를 임용할 수 있고, 이와 같은 방식으로 업무를 수행하고 있는 자는 모두, 본 법률 하에서 고용된 것으로 간주한다.

(3) 계약서비스(contractd services)

본 법률에 따라 장관을 위해 특수업무를 수행하도록 고용된 자, 그리고 이들의 피고용인 또는 대리인들은 모두, 해당업무를 수행하고 있는 동안, 법률목적을 위해, 본 법률에 의해 고용된 직원으로 간주한다. 1970-71-72, c.15, s. 5.

6.

(1) 취임선서(Oath of Office)

통계청장 및 본 법률에 의해 고용되거나 고용된 것으로 간주되는 자는 모두, 직무에 착수하기 전, 다음 선서 또는 정식동의(solemn affirmation)를 하고 이에 서명한다.

나는,, 캐나다통계청 직원으로서 통계법 및 통계법상 규칙과 지시에 의한 요구사항에 부합하도록 나의 임무를 충실하고 정직하게 수행하며, 직업상 알게된 어떠한 사항 또는 사건이라도 정당한 권한을 부여받지 않고는 통계청을 대신하여 이를 공표하거나 알려지도록 하지 않을 것임을 정중히 선언(동의)한다.

(2) 선서(Attestation)

(1)세항에 규정된 선서 또는 정식동의를 장관 재량하에 지명되는 특정인 앞에서 장관 재량하에 결정되는 방법으로 실시, 기록 및 제출(return)할 수 있다.

(3) 법인 계약상대(Incorporated contractors)

본 법률에 따라 장관을 위해 특수업무를 수행하도록 고용된 상대가 법인(body corporate)일 경우, 해당업무에 종사하는 최고책임자(chief executive officer)와 기타 관리자, 직원 및 대리인들은 계약상 요구되는 직무에 착수하기 이전, 다음 선서 또는 정식동의를 하고 이에 서명하도록 한다.

나는,, (법인 명) 직원으로서 (장관과의 계약명 확인) 수행시 나의 직무를 통계법 및 통계법상 규칙과 지시의 요구사항에 부합하도록 충실하고 정직하게 수행하고, 본 규정에 의한 직무를 통해 알게된 어떠한 사항 또는 사건이라도 정당한 권한을 부여받지 않고는 통계청을 대신하여 이를 공표하거나 알려지도록 하지 않을 것임을 정중히 선언(동의)한다.

(4) 선서(Attestation)

(3)항에 제시된 선서 또는 정식동의를 장관 재량하에 지명되는 자 앞에서, 장관 재량하에 지시된 방식에 의해 실시, 제출 및 기록될 것이다.

7. 규칙 및 지시(Rules and Instructions)

장관은, 캐나다통계청 업무 및 사업수행, 통계 및 기타정보의 수집·축적, 그리고 본 법률에 의해 권한이 부여된 센서스의 실시를 위해 필요하다고 판단되는 규칙, 지시, 부칙(schedules) 및 서식을 명령으로 지시할 수 있다.

8. 임의조사

장관은 인구 및 농업센서스 이외 특정목적에 위한 정보에 대해, 자발적 협조를 바탕으로 한 수집을 명령으로 승인할 수 있다. 그러나 이와 같은 정보 요청시 정보제공 거부·태만에 관한 법률 31항은 적용되지 않는다.

9.

(1) 차별금지

추밀원 의장(Governor in Council) 및 장관 모두 본 법률상 권한행사시 편견에 의거하여 개인 또는 기업들간에 차별을 두는 것이 금지된다.

(2) 표본추출 방법의 사용

본 법률규정에도 불구하고, 장관은 통계수집시 표본추출방법 사용을 승인할 수 있다.

10.

(1) 주(州)정부와 협의(Arrangements with provincial governments)

장관은 주 정부와 본 법률의 집행 또는 실효성 증진에 있어 필요하거나 편리한 사항을 규정하는 협정을 체결할 수 있으며, 특히 다음 사항중 하나 또는 모두에 해당하는 경우 이와 같은 협정을 체결할 수 있다.

(a) 본 법률에 의해 관리공무원의 부여 권한 또는 부과 의무를 주(州)정부 관리가 수행할 경우

(b) 본 법률목적을 위해 요구되는 통계 및 여타정보를 주(州)정부 부처 또는 관리가 수집할 경우

(c) 통계청장에게 주(州)정부부처 또는 관리자가 통계정보를 제공하는 경우

(2) 주정부 관리자(Provincial Officers)

본 법률에 의해 관리공무원의 부여 권한 또는 부과 의무를, 본 조항에 의거하여 체결된 협정에 따라 수행하고 있는 모든 주(州)정부 관리들은, 그 권한 또는 의무의 수행을 목적으로, 본 법률 하에서 고용된 것으로 간주한다.

11.

(1) 주정부와의 협정(Agreements with provincial governments)

장관은 본 조항에 의해 추밀원 의장 동의하에 다음을 州 통계기관과 교환하거나 州 통계기관에게 전송하기 위한 협정을 체결할 수 있다.

(a) 어떤 특정 통계질문서에 대한 답변

(b) 본 법률 아래 수집정보의 특정 하위분류(classes of information)에 대한 답변

(c) (a)또는(b)에 언급된 답변을 기초로 한 모든 도표 및 분석

(2) 통계기관의 종류(Type of statistical agency)

본 조항의 목적을 위한 주(州)정부와의 협정은 오직 다음과 같은 주(州) 통계기관에 대해서만 적용된다.

- (a) 통계기관에게 협정에 따라 교환·전송될 정보의 제공을 거부 또는 태만히 하거나 거짓정보 제공시 법률상 처벌을 받도록 되어 있으며, 응답자로부터 정보를 수집할 법률상 권한이 있는 기관
- (b) 법률 제17항에 캐나다통계청 및 그 임직원의 공개금지규정이 있는 정보에 대해서는 해당 기관에서도 법률상 공개금지의무가 부과될 경우, 그 기관
- (c) (b)목에 제시된 정보 공개시 그 임직원이 법률상 처벌을 받게 되어있는 기관, 이에 대해서는 법률 제17조의 예외규정과 상당부분 동일한 성격의 법률상 예외가 적용되고 있다.

(3) 협정의 비적용

법률 17.(2)세항에 규정된 정보에 관한 것을 제외하고는, 협정이 체결된 일 또는 효력을 발생한 일 이전에 캐나다통계청에 제출된 조사답변 또는 이곳에서 수집한 정보는 본항에 의해 체결된 협정의 적용을 일체 받지 않는다.

(4) 응답자에 대한 통지

캐나다통계청이 본항의 협정이 적용되는 정보를 응답자로부터 수집할 경우, 캐나다통계청은 본항에 근거한 협정이 장관과 체결되어 있으며 이 협정에 의해 응답자로부터 수신된 정보가 교류될 가능성이 있는 통계기관들의 명칭을 정보수집시 응답자에게 통지해야 한다.

12.

(1) 정보공유

장관은 어떠한 정부부처, 자치단체 또는 기타 법인과도 캐나다통계청 및 해당 부처 또는 법인 수집 응답정보의 공유 및 이에 따른 정보의 도표화 또는 간행물 발간을 위해 양자 모두를 대신하여 협정을 체결할 수 있다.

(2) 협정

(1)항의 협정은 다음 사항을 규정해야 한다.

- (a) 응답자는 해당정보가 캐나다통계청 또는 경우에 따라 해당부처 또는 법인을 대신하여 수집되는 것임을 정식으로 통보받아야(informed by notice) 함.
- (b) 응답자가 통계청장에게 서면으로 캐나다통계청의 정보공유에 대한 반대 입장을 밝힐 경우, 해당부처 또는 법인이 응답자에게 관련정보를 요구할 법률상 권한을 보유하지 않은 한, 정보를 공유할 수 없음.

(3) 공유가능한 정보

본 법률조항에 의해 공유될 수 있는 정보에는, (2)세항 규정에 의해, 본래 질 문서에 대한 응답자료와, 캐나다통계청 및 부처 또는 법인에 대한 응답자제공 보충자료 등이 포함된다.

13. 기록에 대한 접근

부처, 자치단체, 공공단체, 법인 또는 조직에서 보존하고 있는 문서 또는 기록 중 본 법률목적과 관련하여 요구되는 정보의 획득 또는 그 완성 또는 수정에 기여할 수 있는 것에 대한 소유권 또는 책임을 보유하고 있는 자는, 이와 같은 목적을 위해 통계청장 승인을 받은 자에게 해당정보의 접근을 허가하거나 그 완성 또는 수정을 보조해야 한다.

14. 임명의 증표

장관, 통계청장, 또는 장관이 권한을 부여한 자의 서명을 받도록 되어있는 증서 중 본 법률 규정상 임무수행 종사자의 임명, 해임을 통보하거나 이를 지시하는 것은 모두 해당 임명, 해임 또는 지시의 증표가 되며, 그 취지에 맞게 서명을 받고 제출되어야 한다.

15. 추정

센서스 실시 또는 통계 및 기타 정보수집의 사용 승인된 서식, 또는 이와 관련된 지시사항의 제시를 그 취지로 하는 문서 중, 본 법률상 직무수행 종사자가 해당 취지와 동일한 의도로 작성한 문서 또는 서류는 모두, 필체로 된

것이든 인쇄된 것이든 간에, 이를 해당문서에 따라 생산하는 자에게 정당한 권한으로 제공된 것으로 추정되며, 제시된 지시사항의 증표이다.

16.

(1) 보수

장관은, 각료회의 의장(Governor in Council)의 승인을 전제로 국장(commissioners), 조사원(enumarators) 및 본 법률에 의해 고용된 기타 인력에 대한 보수 또는 수당 비율을 제시한 1개 이상의 표를 마련해야 하는데, 이는 고정액, 하루 단위 보수를 또는 호봉표(scale of fees)의 형태로 할 수 있으며, 비용공제액을 함께 제시하도록 한다.

(2) 보수 지급조건

(1)항에 언급된 인력중 누구에게도 해당 인사로부터 요구되는 업무가 충실하게 완수되기 이전에는 본 법률과 관련하여 수행된 업무에 대해 보수 또는 수당액을 전액 지급하지 않는다.

비밀보호(Secrecy)

17.

(1) 비밀누설의 금지

법률 제11 또는 12항 하에 체결된 협정의 조건에 의한 정보교류 목적, 그리고 본 법률상의 소송절차임에도 불구하고 본 조항의 규율을 받는 경우를 제외하면,

- (a) 본 법률 하에서 고용되거나 고용된 것으로 간주되며, 제6항의 선서를 한 자를 제외하고는 어느 누구에게도 본 법률목적에 위해 제출된 식별가능한 개인정보 검토가 허용되지 않는다.
- (b) 법률 제6항의 취임선서를 한 자는 어떠한 경우에도 본 법률 하에서 획득한 정보를, 개별응답자료로 획득한 세부사항과 식별가능한 개인, 법인 또는 단체의 연결이 가능한 형태로 공개를 하거나 이를 조작할 수 없다.

(2) 금지에 대한 예외

통계청장은, 명령을 통해 다음 정보의 공개를 승인할 수 있다.

(a) 개인, 단체 또는 정부부처 등이 1971년 5월 1일 이전 또는 이후 자신의 목적을 위해 수집하여 캐나다통계청과 교류한 정보, 그러나 이 정보는 캐나다통계청과 교류시 수집당시와 동일한 비밀보호 기준이 적용되며, 정보 수집 주체와 통계청장이 서로 합의한 방식과 범위에 입각할 경우에 한해 캐나다통계청이 공개할 수 있다.

(b) 어떠한 개인·단체에 관련된 정보 중 당사자가 서면으로 공개를 동의한 것

(c) 영업기간 동안의 사업체소유자(the owner for the time being of the business)로부터 서면으로 동의를 받은 사업체 정보의 공개

(d) 훈령(statutory) 또는 여타 법률에 의해 공공의 접근이 가능한 정보

(e) 병원, 정신병원, 도서관, 교육기관, 복지시설 또는 기타 유사 비영리단체 관련 정보, 이 경우 어떤 특정 환자, 정신병원 피수용자, 또는 기타 해당 시설 피수용자에 연계될 수 있도록 정렬된 세부사항은 제외한다.

(f) 기업체(establishments), 상사(firms) 및 개인기업(businesses)에 관하여 다음 사항 일부 또는 전부를 나타내는 목록 또는 명부 형태의 정보

I. 이름 및 주소

II. 통계관련 사항에 대해 연락 가능한 전화번호

III. 통계관련 사항을 문의할 경우 상대방이 선호하는 공식 언어

IV. 영업과정에서 생산·제조·처리·수송·저장·구입 또는 판매하는 상품, 또는 제공하는 서비스

V. 해당 업체에 고용된 인력 또는 해당업체의 전 종업원을 구성하는 숫자가 특정 범위 안에 포함되는지 여부

VI. 수송업체(carrier) 또는 공익업체(public utility)에 관련된 정보

(3) 정의

이 조항에서,

"수송업체(Carrier)"

"수송업체(carrier)"는 육지, 해상 또는 항공 운수의 어떠한 형태로든 승객 또

는 화물의 수송·이동을 담당하는 사업체를 소유·운영 및 관리하는 개인 또는 개인의 연합체를 의미한다.

“공공시설(public utility)”

“공공시설(public utility)”은 다음 사업체를 소유·운영 및 관리하는 개인 또는 개인의 연합체를 의미한다.

- (a) 수송관로를 통한 석유 또는 석유제품의 공급
- (b) 가스, 전기, 스팀 또는 물의 공급, 전송 및 배급
- (c) 쓰레기 및 하수오물의 수집과 소각 또는 환경오염의 억제
- (d) 모든 원격통신시스템(telecommunications system)에 의한 정보의 전달, 전파, 접수 및 교부
- (e) 우편서비스의 조달

18.

(1) 정보의 면책특권

본 법률상 기소를 목적으로 하는 경우를 제외하고는, 본 법률에 의해 캐나다 통계청에 제출된 응답자료와 응답자보유 응답자료 복사본은 면책특권이 있으므로 어떠한 소송절차에서도 증거사용이 금지된다.

(2) 상동

법률 제6항의 취입선서를 한 자에게는 모두, 어떠한 소송절차의 경우에도 본 법률 집행과정상 획득한 자료에 관한 구두증언 또는 응답자료·문서·기록의 작성을 재판소, 법정 또는 기타 기구의 명령으로 요구할 수 없다.

(3) 조항의 적용

이 조항은 본 법률에 의해 캐나다통계청의 공개가 금지된 모든 정보 또는 17(2)세항의 승인에 의한 경우에 한해 공개 가능한 모든 정보에 대해 적용된다.

19.

(1) 인구센서스

캐나다통계청은 1971년 6월, 그리고 그 후 매 5년마다 각료회의 의장 재량으로 확정되는 일정한 월에 캐나다인구센서스를 실시한다.

(2) 선거구 집계

인구센서스는 각 인구센서스 시행당시 구성에 의한 캐나다의 각 연방선거구에 관하여 인구가 집계될 수 있는 방식으로 실시된다.

(3) 10년주기 센서스

의회제정 법률, 명령, 규칙·규정 또는 계약 및 계약 하에 작성된 문서에 인용된 '10년주기 인구센서스'는 문맥상 달리 요구되는 경우를 제외하고, 캐나다통계청에서 1971년과 그 후 10년째 되는 해에 실시한 인구센서스를 지칭하는 것으로 해석한다.

20. 농업센서스

캐나다통계청은 다음 해에 캐나다 농업 센서스를 실시할 것이다.

(a) 1971년 및 그 후 매 10년째 되는 해

(b) 해당 연도에 각료회의 의장이 달리 지시할 경우를 제외하고는 1976년 및 그 후 매 10년째 되는 해

21.

(1) 센서스 질문들

각료회의 의장은, 법률 제19 및 20항 하에서 캐나다통계청이 실시하는 모든 센서스의 질문들을 명령으로 규정한다.

(2) 공포(Publication)

(1)세항 하에서 발한 명령은 공포 후 30일이 지나기 전에 캐나다 판보(Canada Gazette)에 발표된다.

22. 일반통계

법률 제3항의 캐나다통계청 임무를 제한하거나, 본 법률 하에서 승인 또는 요구되었을 만한 특정통계에 관하여 그 권한 및 의무를 변경시키지 않는 동시에, 통계청장은 장관의 지휘하에, 캐나다의 다음 사항 일부 또는 전부와 관련된 통계를 수집, 축적, 분석, 귀납 및 발간한다.

- (a) 인구
- (b) 농업
- (c) 보건 및 복지
- (d) 사법 집행(law enforcement), 법무(administration of justice) 및 교정
- (e) 공공재정 및 민간 금융
- (f) 이민(immigration and emigration)
- (g) 교육
- (h) 노동 및 고용
- (i) 타국과의 교역
- (j) 물가 및 생계비
- (k) 산림, 어업 및 수렵(trapping)
- (l) 광업, 채석 및 온천
- (m) 제조업
- (n) 건설업
- (o) 운수업, 창고업 및 통신업
- (p) 전기, 가스 및 급수
- (q) 도매업 및 소매업 거래
- (r) 금융, 보험 및 부동산
- (s) 공공행정
- (t) 공동체, 민간기업 및 개인 서비스
- (u) 기타 장관 또는 각료회의 의장이 요구하는 사항

22.1

(1) 상품분류시스템

통계청장은 해당 상품에 관련된 통계를 수집·축적·분석·귀납 및 발표할 수 있도록 캐나다의 수입 및 수출상품에 대한 분류시스템을 확립한다.

(2) 캐나다 관보(Canada Gazette)에 발표

분류시스템은 캐나다 관보(Canada Gazette)의 제1부(Part I)에 발표된다.

23.

(1) 통계자료의 서식

본 법률상 통계수집을 위해 조사원 또는 직원을 동원하는 대신, 또는 그 외에도, 장관은 본 법률에 의해 정보획득이 승인된 상대방에 대하여 서식의 발송을 지시할 수 있다.

(2) 서식의 제출

제8항을 전제로, (1)세항에 따라 서식이 발송된 상대방은 포함된 질문들에 답하고 해당서식 및 응답을, 정확성에 대한 적절한 증빙과 함께 캐나다통계청에 제출하되, 장관이 지정하고 서식에 표시된 시한 또는 장관 재량에 따라 허용된 연장기간을 넘기지 않도록 한다.

24. 소득세법 하의 응답

본 법률상 목적을 위해, 그리고 제17조에 의거하여,

(a) 통계청장 또는 통계청장으로부터 권한을 부여받은 자는 소득세법 또는 소

비세법 제9장의 목적을 위해 국세장관 권한으로 취득된 신고서, 증빙서류, 계산서, 증서 및 기타 기록들을 점검하고 이에 접근할 수 있다.

(b) 국세장관은 통계청장 또는 통계청장으로부터 권한을 부여받은 자가 점검할 신고서, 증빙서류, 계산서, 증서 및 기록들을,

통계장관 및 국세장관 권유에 따라 각료회의 의장이 지시할 수 있는 방식과 시기에 의거하여 제공하도록 한다.

25. 관세청의 수입 및 수출신고서

본 법률 목적을 위하여 그리고 법률 제17항을 전제로, 국세장관은 캐나다의 수입 및 수출 신고서와 이용된 수송수단의 세부사항들을 통계장관과 국세장관의 권유로 각료회의 의장 재량하에 지정되는 방식 및 시기에 의거하여 통계청장에게 제공하도록 한다.

범죄 통계(Criminal Statistics)

26. 법원의 범죄통계 작성의무

형사업무를 관할하고 있는 모든 법원 또는 법정의 서기, 또는 서기가 없을 경우 판사나 해당법원 또는 법정을 기능상 총괄하는 자는 장관 재량하에 지시 가능한 시기 및 방식에 따라, 장관재량하에 지시 가능한 기간에 관하여, 자신이 수령한 법원 또는 법정에서 집행된 형사관련 일람표를 기재하여 전송한다.

27. 교도소장 또는 보안관

모든 교도소장 또는 소년원장, 그리고 모든 군(郡), 구역 또는 기타 지역구획의 보안관은 장관 재량 하에 지시 가능한 시기와 방식에 따라, 장관 재량 하에 지시 가능한 기간에 관하여, 관할 권역 또는 구역 내의 교도소, 소년원 또는 구치소에 수감된 죄수에 관하여 자신이 수령한 일람표를 작성 및 전송한다.

28. 기록

법률 제26 및 27항에 언급된 일람표의 전송의무가 있는 자는 모두, 매일 해당 일람표에 포함될 세부사항에 대한 기재 및 기록을 작성·유지한다.

29. 사면

캐나다 법무차관(Solicitor General of Canada)은 통계청장에게 장관이 지시 가능한 시기에, 장관이 지시 가능한 기간에 관련하여, 사면권이 행사된 사건에 관하여 장관이 규정 가능한 일람표를 기재 및 제출해야 한다.

30. 직무유기 및 거짓진술

법률 6(1)세항에 제시된 선서를 한 후 다음 행위를 한 자는 모두,

- (a) 직무 유기, 또는 직무수행에 있어서 고의로 거짓 진술, 신고 또는 보고를 한 경우,
- (b) 직무수행을 가장하여 정당한 취득권한이 없는 정보를 획득하거나 획득하려고 시도하는 경우,
- (c) 법률 17(1)세항을 거역할 경우,

은 위반죄에 해당하고, 즉결재판에 의해 1000달러를 초과하지 않는 벌금형 또는 6개월을 초과하지 않는 구류 또는 양자 모두에 처해질 수 있다.

31. 거짓 또는 불법 정보

적법한 이유 없이 다음에 해당하는 자는 모두,

- (a) 본 법률 하에서 고용되거나 고용된 것으로 간주되는 자로부터 질문받은, 본 법률 목적에 관련하여 요구되는 정보를 얻기 위한 질문에 대해, 응답을 거부하거나 태만히 하고, 또는 고의로 거짓 응답을 할 경우,
- (b) 본 법률에 의해 정보를 제공하거나 또는 일람표 또는 서식을 자신이 아는 한 또는 믿는 한 최선을 다해 작성하여 요구된 기간과 형태로 제출할 의무가 있음에도 불구하고, 이를 거부 또는 태만히 하거나, 고의로 거짓 또는 오도하는 정보를 제공하거나 또는 기타 기만행위를 할 경우,

각각의 거부 또는 태만, 거짓응답 또는 기만행위에 대해 위반죄를 구성하며 즉결심판에 의해 500달러를 초과하지 않는 벌금형 또는 3개월을 초과하지 않는 구류 또는 양자 모두에 처해질 수 있다.

32. 기록에 대한 접근거부

다음에 해당하는 자는 모두,

- (a) 어떤 부처, 자치단체사무소, 법인, 기업체 또는 단체에서 보존하고 있는 문서 또는 기록 중 본 법률 목적에 관련하여 요구되는 정보의 획득 및 그 정보의 완성 또는 수정에 도움이 될 만한 정보의 보관 및 관리를 담당하고 있는 자가, 해당목적에 위해 통계청장으로부터 권한을 부여받은

자에게 정보에 대한 접근허용을 거부 또는 태만히 할 경우,

- (b) 본 법률상 직무수행에 고용된 직원을 기타 다른 방법을 통해 고의로 방해하거나 방해하려고 할 경우,

위반죄에 해당하며 즉결심판에 의해 1000달러를 초과하지 않는 벌금형 또는 6개월을 초과하지 않는 구류 또는 양자 모두에 처해질 수 있다.

33.

(1) 거주지에 남겨진 통지(Leaving notice at the house)

본 법률에 의해 발행될 취지에 있는 일람표 또는 서식을, 어떤 거주지(집)에, 계수담당관, 조사원 또는 기타 본 법률상 고용되거나 고용된 것으로 간주되는 자가 남기거나 우체국에서 배달하고, 여기에 집의 거주자 또는 거주자 부재시 가족의 기타 구성원이 이를 주어진 기간 내에 기재 및 서명하도록 요구하는 통보가 있을 경우, 이는 거주자의 성명이 통보에 언급되어 있지 않고, 거주자가 본 통보의 개인적인 혜택을 받지 않는 경우에도 그 자체로서 거주자에 대해 해당 일람표 또는 서식을 기재하고 서명할 만한 충분한 사유가 된다.

(2) 사무실에 남겨진 통보

본 법률상 발행될 취지에 있는 일람표 또는 서식을 사무실 또는 기타 어떤 사람의 업무장소에 계수담당관, 조사원 또는 기타 본 법률상 고용되거나 고용된 것으로 간주되는 자가 남기거나 우체국에서 본인 및 그 대리인에게 배달하고, 여기에 이를 주어진 기간 내에 기재 및 서명하도록 요구하는 통보가 있을 경우, 상대방에 대해, 일람표 또는 서식을 기재 및 서명하고, 통보에서 이를 요구한 경우 지정된 기간 내에 캐나다통계청으로 우편 전송해야 하는 충분한 사유가 된다.

34. 비밀정보의 공개

법률 6.(1)세항의 선서를 한 후 다음에 해당하는 자는 모두,

- (a) 자신이 고용중 취득한 정보 중 어떤 주식, 채권 및 기타 유가증권 또는 어떠한 상품 및 품목의 시장가치에 영향을 미치거나 이를 변경시킬 만한 것을 본 법률상 자격이 없는 자가 수신할 수 있도록 고의로, 직접 또는 간접 공개 또는 누설한 경우,

(b) (a)항목에 묘사된 바와 같은 정보를 주식, 채권 또는 기타 유가증권 또는 상품 또는 품목에 대한 투기를 위해 이용할 경우 위반죄에 해당하며, 즉결심판에 의해 5000달러를 초과하지 않는 벌금형 또는 5년을 초과하지 않는 구류 또는 양자 모두에 처해질 수 있다.

35. 캐나다통계청 직원의 사칭

다음에 해당하는 자는 모두,

(a) 상대방으로부터 정보 획득을 목적으로 캐나다통계청의 직원을 사칭하거나,

(b) 캐나다통계청의 관료, 직원, 또는 조사원이 아님에도 불구하고 본 법률상 권한에 의거하여 질문을 하는 것처럼 자신을 내세울 경우, 위반죄에 해당하며 즉결심판에 의해 1000달러를 초과하지 않는 벌금형 또는 6개월을 초과하지 않는 구류 또는 양자 모두에 처해질 수 있다.

36. 벌금형의 적용

본 법률에 의해 부과되는 모든 벌금은 캐나다를 대표하여 캐나다 여왕에게 귀속되고 세입징수장관(Receiver General)에게 지불하도록 한다.

37. 공소시효

본 법률상 위반과 관련하여 즉결심판에 의해 진행되는 소송절차는 해당소송의 원인소재 발생이후 2년 이내의 어떠한 시기에도 집행이 가능하나 2년이 지난 후에는 불가능하다.

독일 통계법

Law
on Statistics for Federal Purposes
(Federal Statistics Law)
of 22 January 1987

The Bundestag, with the approval of the Bundesrat, has passed the following Law:

Article 1
Statistics for Federal Purposes.

Within the integrated federative system of official statistics, it is the function of statistics for federal purposes (federal statistics) to continuously collect, compile, process, present and analyse data on mass phenomena. Federal statistics shall be subject to the principles of impartiality, objectivity and scientific independence. They shall obtain the data by making use of scientific findings and by employing the appropriate methods and informational techniques. The results provided by federal statistics shall analyse social, economic and ecological interrelationships for the Federation, the Laender including the communities and local authorities as well as the society, science and research. Federal statistics are a precondition of a policy geared to the principle of a social welfare state. The individual data collected for federal statistics shall exclusively serve the purposes laid down in this Law or another legal provision initiating federal statistics.

Article 2
Federal Statistical Office

(1) The Federal Statistical Office is an independent federal central authority (selbständige Bundesoberbehörde) within the department of the Federal Minister of the Interior.

(2) The President of the Federal Statistical Office shall be appointed by the Federal President on the proposal of the Federal Government.

(3) The Federal Statistical Office shall carry out its duties in accordance with the requirements of the competent federal ministers within the scope of a work programme adjusted to financial planning and within the limits of the means provided by the budget on the basis of the methods appropriate in the respective case.

Article 3

Duties of the Federal Statistical Office

(1) The Federal Statistical Office shall have the following duties, save as provided in Article 26, para. 1 or other legal provisions:

1. a) It shall prepare and further develop statistics for federal purposes (federal statistics) methodologically and technically in consultation with the statistical offices of the Laender;
- b) It shall see to it that the collection and processing programmes of federal statistics are uniformly and duly carried out by the Laender;
- c) It shall compile the results in the required material and regional breakdown for the Federation, as well as publish and present them for general purposes;
2. a) It shall collect and process federal statistics insofar as this is provided by this Law or another federal law or as the Laender concerned agree;
- b) It shall carry out follow-up processings for federal purposes and special processings where this processing work is not performed by the statistical offices of the Laender themselves;
3. It shall compile statistics on behalf of supreme federal authorities pursuant to Article 8;
4. It shall compile statistics of other countries, of the European Communities and of international organizations, and publish and present their results for general purposes;

5. It shall see to it that the statistics or statistical processings referred to in Nos. 1 to 3 and in the Articles 8 and 26, para. 1 are reconciled with each other materially, in point of time and space;
6. It shall assist in the preparation of the programme of federal statistics and of the legal provisions and general administrative regulations of the Federation which touch upon federal statistics;
7. It shall establish national accounts and other integrated systems of statistical data for federal purposes, as well as publish and present them for general purposes;
8. It shall operate the Statistical Information System of the Federation and participate in the coordination of special data banks of other federal agencies; the same applies where the Federation is called upon to participate in relevant projects outside the federal administration;
9. It shall, in order to simplify and improve data collection and processing for purposes of federal statistics, participate in numbering projects and federal endeavours aimed at the automation of administrative processes and legal proceedings; the same applies where the Federation is called upon to participate in relevant schemes outside the federal administration;
10. It shall advise the federal authorities in connection with the granting of research assignments with a view to obtaining and providing statistical data, as well as, on behalf of the supreme federal authorities, carry out research assignments in the field of federal statistics, render expert opinions and perform other work of a statistical or similar nature.

(2) The statistical offices of the Laender and the other agencies entrusted with the compilation of federal statistics provide the Federal Statistical Office upon demand with individual data as far as this is necessary for the methodological and technical preparation of federal statistics and their further development according to para. 1, No. 1, letter a, or for performing processing work according to para. 1, No. 2, letter b; the same applies to meeting the corresponding tasks of the Federal Statistical Office in the supranational and international sphere.

(3) In the case of Land statistics for which there exists a federal interest as far as their uniform compilation for the entire Federation is concerned, the Federal Statistical Office may, according to para. 1, No. 1, take care of the tasks, insofar as the Laender concerned agree.

Article 4
Advisory Committee

(1) An Advisory Committee is attached to the Federal Statistical Office.

(2) The Advisory Committee shall have the task of advising the Federal Statistical Office in fundamental questions.

(3) The Advisory Committee shall consist of

1. one representative each of the federal ministries, the Federal Audit Office, the Deutsche Bundesbank and the German Federal Railways;
2. the heads of the statistical offices of the Laender;
3. the Federal Data Protection Commissioner;
4. one representative each of the principal communal associations;
5. seven representatives of commerce and industry and one representative of the employers' associations;
6. three representatives of the trade unions;
7. two representatives of agriculture;
8. two representatives of the institutes for economic science;
9. two representatives of the institutions of higher education.

The conduct of the business of the Advisory Committee shall be incumbent on the Federal Statistical Office. The Advisory Committee shall meet under the chairmanship of the President of the Federal Statistical Office. Where decisions are to be taken, the President of the Federal Statistical Office and the members enumerated under Nos. 1 to 3 shall attend in an advisory capacity only; they shall not be included in the quorum.

(4) The Advisory Committee shall adopt rules of procedure.

(5) The Laender governments shall be invited to the meetings of the Committee. Their representatives must be heard at any time.

(6) The representatives listed in para. 3, Nos. 4 to 9, shall be appointed by the President of the Federal Statistical Office on the proposal of the appropriate associations and institutions, which in turn shall be selected by the competent federal minister.

(7) The Advisory Committee shall have the right to establish expert committees or working parties for dealing with special subjects. Experts can be called to the meetings of the Advisory Committee, the expert committees and working parties. The federal ministries must be invited to the meetings of the expert committees and working parties and heard at any time.

(8) All members of the Advisory Committee, the expert committees and the working parties shall serve on an honorary basis.

Article 5

Initiation of Federal Statistics

(1) The federal statistics shall be initiated by law, unless otherwise provided by this Law or another legal provision. The relevant legal provision shall also make allowance for the informational needs of the Laender.

(2) Subject to approval by the Bundesrat, the Federal Government shall be authorized to initiate by ordinance with a period of validity not exceeding three years economic and environmental statistics involving enterprises, establishments and local units as well as other statistics which are conducted as federal statistics, provided that

1. the results of the federal statistics are required for specific federal purposes already laid down at the date of the survey,
2. the federal statistics cover only a limited number of respondents,

3. at federal and Laender levels together, including the communities and local authorities, the estimated costs of the respective federal statistics, excluding those of the publication, do not exceed 2 million Deutsche Marks for the surveys conducted within one year.

Economic and environmental statistics may be initiated subject to the obligation to provide information, other statistics only without that obligation.

(3) At two years' intervals, and for the first time in 1988, the Federal Government shall submit to the German Bundestag a report on the statistics initiated according to para. 2 as well as on the statistics pursuant to Article 7. This report shall state the estimated costs to be defrayed by the Federation and the Laender including the communities and local authorities. It shall also consider the burden to be imposed on the respondents.

(4) Subject to approval by the Bundesrat, the Federal Government shall be authorized to suspend by ordinance for up to four years the operation of federal statistics or the recording of individual characteristics, to extend the periodicity, to postpone the survey dates as well as to reduce the number of respondents to be covered, if the results are no longer needed at all, not in as great detail or as frequently as was originally envisaged, or if the actual conditions which gave rise to the compilation of a federal statistics have ceased to exist or have been subject to major changes. Subject to approval by the Bundesrat, the Federal Government shall also be authorized to change over by way of an ordinance for up to four years from an inquiry subject to the obligation to provide information as stipulated in a legal provision to an inquiry without that obligation, if and insofar as sufficient results of a federal statistics may also be obtained by an inquiry without the obligation to provide information.

(5) Federal statistics drawing exclusively upon data from generally accessible sources shall not be subject to initiation by law or ordinance. The same applies to federal statistics using exclusively data from public registers, insofar as the Federal Statistical Office or the statistical offices of the Laender have been granted a special right of access to these registers by an ordinance.

Article 6
Measures for the Preparation and Operation of
Federal Statistics

(1) For the preparation and operation of federal statistics initiated by a legal provision, the Federal Statistical Office and the statistical offices of the Laender may

1. collect data in order to determine the group of respondents to be covered and their statistical allocation,
2. test questionnaires and survey procedures with regard to their expediency.

For federal statistics without an obligation to provide information, the data according to Nos. 1 and 2 shall not be subject to that obligation either. For federal statistics subject to an obligation to provide information, this applies only to data according to No. 2. The data according to Nos. 1 and 2 shall be deleted at the earliest possible time, the data according to No. 1 at the latest after the data to be covered as part of the operation of the respective federal statistics have been checked for conclusiveness and completeness; the data according to No. 2 shall be deleted at the latest three years after the tests have been made. As for the data according to No. 2, the name and address must be separated from the other data at the earliest possible time and be stored separately.

(2) Also for the preparation of a legal provision initiating federal statistics, the Federal Statistical Office and the statistical offices of the Laender may

1. collect data in order to determine the group of respondents to be covered and their statistical allocation,
2. test questionnaires and survey procedures with regard to their expediency.

There shall be no obligation to provide information concerning the data according to Nos. 1 and 2. They shall be deleted at the earliest possible time, the data according to No. 2 at the latest three years after the tests have been made. As for the data according to No. 2, the name and address must be separated from the other data at the earliest possible time and be stored separately.

Article 7
Surveys for Special Purposes

(1) In order to meet short-term data requirements for the purpose of preparing and motivating impending decisions of supreme federal authorities, federal statistics may be performed without an obligation to provide information if a supreme federal authority demands such federal statistics.

(2) In order to settle scientific-methodological questions in the sphere of statistics, federal statistics may be conducted without an obligation to provide information.

(3) The Federal Statistical Office shall be authorized to perform the federal statistics according to paras. 1 and 2 insofar as in the cases in para. 1 this is not done by the statistical offices of the Laender within the time limits set by the supreme federal authorities and in the cases stated in para. 2 by the statistical offices of the Laender themselves.

(4) Federal statistics pursuant to paras. 1 and 2 may cover a maximum of 10,000 respondents each.

(5) Repetitive inquiries for the purpose of flow analysis shall be permissible for up to 5 years after the first inquiry.

Article 8
Processing of Data from Administrative Processes

(1) Insofar as administrative agencies of the Federation are collecting data pursuant to non-statistical legal or administrative provisions, or where such data are accruing in another way, the Federal Statistical Office may entirely or in part be entrusted with the statistical processing of these data. Subject to the approval of the commissioning agency, the Federal Statistical Office shall be authorized to present and publish from the processed data statistical results for general purposes.

(2) Special regulations in a legal provision initiating a federal statistics remain unaffected.

Article 9
Scope of Regulation in Legal Provisions
of Federal Statistics

(1) The legal provision initiating a federal statistics must determine the survey characteristics, the auxiliary characteristics, the type of survey, the reference period, the reference date, the periodicity and the group of respondents to be covered.

(2) Consecutive and reference numbers for the operation of federal statistics need to be determined in a legal provision initiating a federal statistics only insofar as they comprise data on personal circumstances and the material situation which tend beyond the survey and auxiliary characteristics.

Article 10
Survey and Auxiliary Characteristics

(1) Federal statistics are compiled on the basis of survey and auxiliary characteristics. Survey characteristics comprise data on personal circumstances and the material situation which are intended for statistical purposes. Auxiliary characteristics are data used for the technical operation of federal statistics. They may be used for other purposes only as far as this is permissible according to para. 2 or another law.

(2) The name of the municipality and the block side may be used for the regional allocation of the survey characteristics. The other parts of the address may be used for the allocation to block sides for a period of up to four years after the termination of the respective survey. Special regulations in a legal provision initiating a federal statistics remain unaffected.

(3) A block side is the side of a block in a built-up area delimited by road junctions or similar lines of delineation which bears a single street name.

Article 11
Survey Forms

(1) If survey forms have to be completed by the respondents, the answers must be given in the survey forms as prescribed.

(2) If this has been provided for in the survey forms, the correctness of the data will have to be certified by signature.

(3) The survey forms may be of the machine-readable type. They must not contain any questions about personal circumstances or the material situation which extend beyond the survey and auxiliary characteristics.

(4) The legal foundation of the respective federal statistics and the auxiliary characteristics used for its operation shall be indicated on the survey forms.

Article 12
Separation and Deletion of the
Auxiliary Characteristics

(1) Auxiliary characteristics shall be deleted, unless otherwise provided by para. 2, Article 10, para. 2, Article 13 or another legal provision, as soon as the checks of conclusiveness and completeness of the survey and auxiliary characteristics have been concluded at the statistical offices. They shall be separated from the survey characteristics at the earliest possible time and be stored separately.

(2) In the case of periodical surveys for purposes of federal statistics, the auxiliary characteristics required for determining the group of respondents to be covered may be stored separately as far as they are needed for subsequent surveys. They shall be deleted upon the elapse of the period of the recurrent surveys.

Article 13
Address Files

(1) For their spheres of competence, the Federal Statistical Office and the statistical offices of the Laender shall maintain files of addresses as far as they relate to economic and environmental statistics conducted at enterprises, establishments and local units and are required

1. for the preparation of federal statistics
 - a) for recording the statistical units,

- b) for selecting the statistical units to be included in sample surveys, according to mathematical procedures,
 - c) for establishing rotation schedules and for limiting the burden imposed on the respondents to be covered,
2. for the collection of federal statistics for
 - a) mailing the questionnaires,
 - b) checking the receipts and for queries with the respondents,
 3. for the processing of federal statistics for
 - a) checking the correctness of the results,
 - b) statistical allocations, matchings and evaluations
 - c) extrapolations for sample surveys.

(2) The following auxiliary and survey characteristics from economic and environmental statistics conducted at enterprises, establishments and local units may be used for maintaining the address files according to para. 1:

1. Names/designations and addresses of the statistical units, for enterprises also of their parts, for establishments also of the seat of the enterprise and the head office as well as the names of the proprietors or managers of the establishments;
2. Legal form of enterprise;
3. Branch of economic activity, entries into the official register of handicrafts and kind of activity performed;
4. Number of persons working in the enterprise/establishment;
5. Indication of the statistics for which the enterprise or establishment is submitting reports;
6. Date of inclusion in the address file.

(3) The Federal Statistical Office and the statistical offices of the Laender shall communicate among each other the characteristics according to para. 2 and relevant changes, insofar as address files are being maintained in their spheres of competences.

(4) The characteristics according to para. 2 shall be deleted as soon as the purposes mentioned in para. 1 have been achieved.

(5) The legal provisions initiating federal statistics and stipulating the maintenance of files remain unaffected.

Article 14

Survey Agents

(1) If survey agents are appointed for the operation of a federal statistics, their reliability and discretion must be warranted. Survey agents may not be employed if due to their occupational activity or otherwise there is reason for concern that information gained in the course of their activity as survey agents might be used against the respondents.

(2) Survey agents are not allowed to use in other processes or for other purposes information gained in the course of their activity. They will be obligated in writing to safeguard statistical secrecy according to Article 16 and to keep confidential also any information which they may have gained during their activity. This obligation applies also after the termination of their activity.

(3) Survey agents are under the obligation to comply with the instructions of the survey offices. When performing their activity, they will prove their identity.

(4) Survey agents will be instructed on their rights and duties.

Article 15

Obligation to Provide Information

(1) The legal provisions initiating a federal statistics must determine whether and to what extent the survey is to be conducted with or without an obligation to provide information. If an obligation to provide information has been stipulated, all natural and legal persons under private and public law, associations of persons, public authorities of the Federation and the Laender as well as communities and local authorities shall be liable to reply to duly ordered questions.

(2) The obligation to provide information exists towards the agencies and persons officially entrusted with the execution of federal statistics.

(3) The reply must be given truthfully, completely and within the time limits set by the statistical offices of the Federation and the Laender. If the information is provided in writing, the reply is not considered to have been given until the duly completed survey forms have been received by the survey office. The reply must be provided free of charge and postage paid to the recipient, unless otherwise provided in a legal provision.

(4) If survey agents are employed, the questions contained in the survey forms may be answered orally or in writing.

(5) If in the cases of para. 4 the information is provided in writing, the completed survey forms will be handed over to the survey agent, in a sealed envelope if desired, brought to the survey office or sent there.

(6) Objections and actions for rescission brought against the summons to provide information will not have a suspensive effect.

Article 16 Confidentiality

(1) Individual data on personal circumstances or the material situation provided for federal statistics shall not be disclosed by the incumbents and the persons specially sworn in for public service who are entrusted with the operation of federal statistics, unless otherwise stipulated by a special legal provision. This does not apply to

1. individual data for the transmission or publication of which the respondent has given his/her written approval;
2. individual data from generally accessible sources, if they relate to the public agencies referred to in Article 15, para. 1, even if there exists an obligation to provide information due to a legal provision initiating a federal statistics;
3. individual data which have been summarized with the individual data of other respondents by the Federal Statistical Office or the statistical offices of the Laender and are presented as statistical results;

4. individual data if they cannot be allocated to the respondent or the person concerned.

Articles 93, 97, 105, para. 1; Article 111, para. 5 in conjunction with Article 105, para. 1 and Article 116, para. 1 of the "Abgabenordnung" (Taxation Ordinance) of 16 March 1976 (Bundesgesetzblatt I, p. 613; 1977 I, p. 269), last amended by Article 1 of the Law of 19 December 1985 (Bundesgesetzblatt I, p. 2436), are not applicable to persons and agencies as far as they are entrusted with the operation of federal, Laender and communal statistics.

(2) The passing on of individual data between persons and agencies entrusted with the operation of a federal statistics is permissible to the extent that this is necessary for the compilation of the federal statistics.

(3) For the purpose of special evaluations on a regional basis, the Federal Statistical Office shall be entitled to transmit to the statistical offices of the Laender the individual data concerning their respective spheres of survey. For the compilation of the national accounts of the Federation and the Laender, the Federal Statistical Office and the statistical offices of the Laender may transmit to each other individual data from federal statistics.

(4) For utilization with regard to the legislative bodies and for planning purposes, but not for regulating individual cases, tables presenting statistical results may be transmitted to the supreme federal and Land authorities by the Federal Statistical Office and the statistical offices of the Laender, even if table elements record only one individual case. Transmission in accordance with sentence 1 is only permissible to the extent that the legal provisions initiating a federal statistics permit the transfer of individual data to supreme federal and Laender authorities.

(5) For exclusively statistical purposes, the Federal Statistical Office and the statistical offices of the Laender may transmit individual data to agencies of communities and local authorities responsible for the accomplishment of statistical tasks if the transmission has been provided for in a law initiating a federal statistics and the kind as well as the quantity of the individual data to be transmitted have been determined. Transmission will be

permissible only if Land legislation guarantees that these agencies will be separate from other community administrative agencies and the organization and procedures adopted ensure the maintenance of statistical secrecy.

(6) For the purpose of scientific projects, the Federal Statistical Office and the statistical offices of the Laender may transfer individual data to institutions of higher education or other institutions entrusted with tasks of independent scientific research if an allocation of the individual data is possible only with an excessive amount of time, expenses and manpower, and if the recipients are incumbents, persons specially sworn in for public service or persons obligated according to para. 7.

(7) Persons to be provided with individual data pursuant to para. 6 must prior to the transmission be especially committed to confidentiality, unless they are incumbents or persons specially sworn in for public service. Article 1, paras. 2, 3 and 4, No. 4 of the "Verpflichtungsgesetz" (Law on the Commitment of Persons to Secrecy) of 2 March 1974 (Bundesgesetzblatt I, p. 469, Article 42) as amended by the Law of 15 August 1974 (Bundesgesetzblatt I, p. 1942) apply mutatis mutandis. As regards the application of the provisions of the Penal Code on infringements of private secrets (Article 203, paras. 2, 4 and 5; Articles 204, 205) and of the disclosure of official secrets (Article 353 b, para. 1), persons who have been especially committed in accordance with sentence 1 are treated equally with persons especially sworn in for public service.

(8) The individual data passed on pursuant to a special legal provision or according to paras. 4, 5 or 6 may be used only for the purposes for which they were transmitted. In the cases of para. 6 they will be deleted as soon as the scientific project has been completed. At agencies to which individual data are transmitted, it must be warranted by means of organizational and technical measures that only incumbents, persons especially sworn in for public service or persons committed according to para. 7, sentence 1 are recipients of individual data.

(9) For the transmission pursuant to a special legal provision or according to paras. 4, 5 or 6, the statistical offices shall keep a record on contents, recipient agency, forwarding date and purpose of transmission. These records will be preserved for a minimum of five years.

(10) The obligation to confidentiality according to para. 1 applies also to those persons who are recipients of individual data pursuant to a special legal provision, in accordance with paras. 5 and 6 or of tables according to para. 4. This does not apply to obvious facts in the case of a transmission pursuant to para. 4.

Article 17 Notification

The respondents to be covered will be notified in writing on:

1. Purpose, type and scope of the survey,
2. Statistical confidentiality (Article 16),
3. The obligation to provide information or the voluntariness of the provision of information (Article 5, para. 2 and Article 15),
4. The separation and deletion (Article 12),
5. The rights and duties of the survey agents (Article 14),
6. The fact that objections and actions for rescission brought against the summons to provide information will not have a suspensive effect (Article 15, para. 6),
7. The auxiliary and survey characteristics for the maintenance of address files (Article 13, para. 2),
8. The significance and contents of consecutive and reference numbers (Article 9, para. 2).

Article 18 Statistical Surveys of the European Communities

(1) The provisions of this Law concerning federal statistics apply mutatis mutandis, except as provided in para. 2, to surveys initiated with immediate lawful effect by legislative acts of the European Communities insofar as the legislative acts of the European Communities do not contain provisions to the contrary.

(2) Insofar as the characteristics of the surveys initiated with immediate lawful effect by legislative acts of the European Communities do not correspond to the characteristics of a legal provision initiating a federal statistics, or are not equated with these characteristics, the provision of information shall be voluntary unless the legislative acts of the European Communities explicitly stipulate an obligation to provide information.

Article 19

Supranational and International Tasks of the Federal Statistical Office

In the supranational and international sphere, the Federal Statistical Office has especially the task of cooperating in the preparation of statistical programme and legal provisions, as well as in the methodological and technical preparation and harmonization of statistics, the establishment of national accounts and other integrated systems of statistical data for purposes of the European Communities and international organizations, and of passing the results on to the European Communities and the international organizations.

Article 20

Costs of Federal Statistics

The costs of federal statistics shall be defrayed by the Federal Government insofar as they accrue to the federal authorities; in all other cases they shall be paid by the governments of the Laender.

Article 21

Prohibition of Reidentification

It is prohibited to match individual data from federal statistics or to combine such individual data with other information for establishing a reference to persons, enterprises, establishments or local units for other than the statistical purposes of this Law or of a legal provision initiating a federal statistics.

Article 22
Penal Provision

Whosoever, contrary to Article 21, brings together individual data from federal statistics, or combines such individual data with other information, will be liable to a term of imprisonment not exceeding one year or to a fine.

Article 23
Provision on Fines

(1) It will be considered an irregularity if a person wilfully or negligently, contrary to Article 15, para. 1, sentence 2, paras. 2 and 3, sentence 1, does not render information at all or misleadingly, not completely or not in due time.

(2) It will also be considered an irregularity if a person, contrary to Article 11, para. 1, does not give the answers in the survey documents in the prescribed form.

(3) The irregularity may be punishable by a fine not exceeding ten thousand Deutsche Marks.

Article 24
Administrative Authority within the
Meaning of the Law on Irregularities

Administrative authority within the meaning of Article 36, para. 1 of the Law on Irregularities is the Federal Statistical Office, insofar as it

1. prepares federal statistics according to Article 3, para. 1, No. 1, letter a in conjunction with Article 6, para. 1 or
2. conducts federal statistics pursuant to Article 3, para. 1, No. 2, letter a, also in conjunction with Article 5, para. 2 and Article 6, para. 1, or
3. processes federal statistics pursuant to this or another federal law.

The same applies insofar as corresponding tasks are incumbent on the Federal Statistical Office during the operation of the surveys according to Article 18.

Article 25

Suspensive Effect of Objections and Actions for Rescission in the Case of Laender and Communal Statistics

It may be stipulated by Land legislation that objections and actions for rescission brought against the summons to provide information for Laender and communal statistics initiated by a legal provision have no suspensive effect.

Article 26

Transitional Provision

(1) Insofar as the Federal Government authorizes a federal minister or an agency appointed by him to entirely or partly accomplish the tasks of Article 3, para. 1, Nos. 1 and 2 for specific federal statistics, this authorization continues only if at the appointed agency the separation of the organizational unit entrusted with the execution of statistical tasks from the other spheres of functions is warranted and statistical secrecy is guaranteed by the organization and the procedure adopted.

(2) Insofar as surveys are conducted pursuant to legal provisions already in effect initiating federal statistics, those data may be covered as auxiliary characteristics which are required for the technical implementation and serve the following purposes:

1. Determination of the identity of the respondents to be covered and making of necessary queries as well as determination of the address for the request for information, such as names and addresses, telephone and telex numbers,
2. Statistical allocation of the respondents to be covered, such as group of respondents to be covered and kind of economic activity,
3. Allocation and assessment of the survey characteristics,

◇독일 연방통계법◇

제1조 : 연방통계의 목적

- 연방통계는 중립성, 객관성, 과학적 및 독립성 원칙을 따라야 한다.
- 연방통계는 사회복지국가를 위한 정책수립의 기초자료가 된다.

제2조 : 연방통계청

- (1) 연방통계청은 연방 내무성장관 소속의 독립된 기관이다.
- (2) 연방통계청장은 연방정부의 건의에 따라 연방대통령이 임명한다.
- (3) 연방통계청은 관계 연방장관들의 요구에 따라 예산과 업무계획 범위 내에서 그 임무를 수행한다.

제3조 : 연방통계청의 임무

- (1) 1.a : 지방주통계청과 방법론적 및 기술적 사항을 협의하여 연방 목적의 통계를 작성·개발한다.
- 1.b : 연방통계자료의 수집과 처리가 지방별로 동일하고, 정당하게 이루어지도록 지도한다.
- 1.c : 지방별로 세분하여 결과를 작성하고 이를 일반목적에 위하여 발간·공표한다.
- 2.a : 이 법 또는 다른 연방법에 의해 또는 관련 지방주정부가 동의하는 한 연방통계를 수집하고 처리한다.
- 2.b : 지방주통계청이 이를 하지 않는 경우 연방통계청은 2차 처리 및 특별처리 등을 수행한다.
- 3. : 제8조 규정에 따라 고위 연방기관들을 대신해서 통계를 작성한다.
- 4. : 타국, EU 및 국제기구의 통계를 작성, 결과보고서를 발

간·공표한다.

5. : 통계를 시의성과 지역적인 관점에서 조정한다.
 6. : 연방 통계작성 추진계획, 법률적 근거 및 행정규칙을 마련한다.
 7. : 국민계정과 연방목적의 종합통계를 편제하며 보고서를 발간·공표한다.
 8. : 통계정보시스템의 운영 및 기타 연방기관의 특수DB 조정 업무에 참여; 연방의 요청에 따라 연방행정이 아닌 관련 프로젝트에도 참여한다.
 9. : 자료수집 및 처리의 단순화(신속화)와 그 개선을 위하여 행정전산화 및 법률적 처리목적에 위한 프로젝트에 참여한다.
 10. : 통계자료의 수집·제공을 위한 목적의 연구과제 승인과 관련하여 관계연방기관에게 조언한다.
- (2) 지방주통계청은 연방통계청이 개별자료 요구시 이 자료가 방법론적 및 기술적인 연방통계의 개선 등에 필요한 경우 이를 제공하여야 한다.
- (3) 어떤 한 지방통계가 연방과 관련하여 필요한 경우 관련 지방주 정부의 동의를 얻어 연방통계청이 그 임무를 수행한다.

제4조 : 통계자문위원회

- (1) 연방통계청에 통계자문위원회를 둔다.
- (2) 통계자문위원회는 연방통계청에 주요 기본사항에 대해 자문을 제공한다.
- (3) 통계자문위원회는 다음과 같이 구성한다.
 1. 각 연방정부기관, 연방감사원, 독일중앙은행에서 각1인
 2. 지방주정부 통계청장
 3. 연방자료보호위원회 위원장

4. 주요 단체의 대표

5. 상공업계(상공회의소) 대표 7인 및 경영자협회 대표 1인

6. 노동조합 대표 3인

7. 농업부문 대표 2인

8. 경제연구소 대표 2인

9. 고등교육기관 대표 2인

※ 통계자문위원회에 대한 임무부여는 연방통계청 권한이며, 그 의장직은 연방통계청장이 수행함. 결정이 필요한 경우, 연방통계청장과 상기 1~3호의 위원은 표결권한이 없으며 자문 역할에 그친다.

(4) 통계자문위원회는 의사규칙을 채택할 수 있다.

(5) 지방주정부는 위원회 회의에 참가하도록 초청될 수 있다.

(6) 연방통계청장은 관련 단체 및 연구소의 추천과 관계주무장관의 제추천을 받아 상기 3항 4~9호 해당위원을 임명할 수 있다.

(7) 통계자문위원회는 구체적 안건을 다루는 전문위원회 및 실무작업단을 둘 권한이 있다. 전문가는 통계자문위원회, 전문위원회 및 실무작업단회의에 참가할 수 있다. 연방부처는 반드시 전문위원회 및 실무작업단회의에 초청되어야 한다.

(8) 통계자문위원회, 전문위원회 및 실무작업단의 모든 구성원은 명예직으로 한다.

제5조 : 연방통계의 작성요구

(1) 연방통계의 작성은 법에 의한다.

(2) 상원의 승인 하에 연방정부는 3년을 넘지 않는 주기로 다음 조건 하에서 경제·사회통계 및 기타 통계의 작성 권한을 갖는다.

1. 특수 연방목적에 위하여 필요한 연방통계결과

2. 연방통계는 단지 한정된 수의 응답자만을 대상으로 함.
3. 개별적인 연방통계조사의 비용은 보고서 발간비용은 제외하고 연방 및 지방주 소요비용을 포함하여 2백만 마르크를 초과해서는 안됨.

(3) 2년 주기로 연방정부는 독일하원에 상기2항 및 법 제7조에 해당하는 통계보고서를 제출해야 한다(1988년에 처음 보고). 이 보고서에는 연방 및 지방주 지출비용이 수록되어야 한다.

(4) 상원의 승인하에 연방정부는 결과가 더 이상 필요하지 않거나, 당초 계획한 것보다 상세하거나 자주 필요치 않거나 하는 경우 법률근거에 따라 연방통계의 작성중지 또는 개인 특성기록의 중지, 조사주기의 변경, 조사시점의 연기 및 조사대상수의 축소 등의 권한을 가질 수 있다.

또한 상원의 승인하 연방정부는 정보제공을 의무적으로 해야 하는 조사방식에서 응답의무가 없는 조사방식으로 변경하는 권한을 가질 수 있다.

※ 조건 : 응답의무가 없는 조사방식으로도 충분한 결과를 얻을 수 있는 경우

(5) 일반적으로 접근 가능한 자료출처로부터 만들어지는 연방통계는 법률에 따르지 않는다. 마찬가지로 행정등록부에서 전적으로 만들어지는 통계는 연방 또는 지방통계청이 이러한 행정등록부에 접근할 수 있는 권리가 승인된 경우에는 법률에 따르지 않는다.

제6조 : 연방통계 작성기획 및 실사

(1) 법률규정에 따라 만들어야 하는 연방통계를 기획하고 실사하기 위해서 연방통계청은

1. 조사대상규모를 결정하고 지역별로 할당하기 위한 자료를 수집하고

2. 시험조사를 실시해야 한다.

※응답의무가 없는 연방통계의 경우는 상기 1호 및 2호를 적용하지 않을 수 있다. 응답의무가 있는 연방통계의 경우는 상기 2호가 적용된다. 상기 1호 및 2호 자료는 가능한 빠른 시일 내에 없애야 한다. 특히 상기 1호 자료는 조사의 완전성 등을 검토한 후, 상기 2호 자료는 시험조사 후 3년이 경과된 시점에서 없애야 한다. 상기 2호 자료와 관련 이름과 주소는 가급적 빠른 시일 내에 다른 속성자료와 분리되어 수록되어야 한다.

(2) 연방통계의 작성을 요구하는 법률적 근거를 만들기 위해서 연방 및 지방주통계청은

1. 조사대상규모를 결정하고 지역별로 할당하기 위한 자료를 수집하고

2. 시험조사를 실시해야 한다.

그러나 상기 1호 및 2호 관련자료를 반드시 제공할 의무는 없다.

제7조 : 특수목적의 조사실시

(1) 고위 연방당국의 현안과제를 조치할 목적으로 동향자료를 작성하기 위해서; 고위 연방당국이 자료를 요구할 시 응답의무를 부과시키지 않고 통계를 만들어야 한다.

(2) 통계의 방법론적 문제를 해결하기 위해서 응답의무를 부과시키지 않고 조사를 실시할 수 있다.

(3) 연방통계청은 상기 1항 및 2항을 수행하는 권한을 가질 수 있다. 상기 1항은 지방주통계청에 의해 수행되지 않으며 상기 2항은 지방주통계청에 의해 수행된다.

- (4) 상기 1항 및 2항을 위한 조사대상 규모는 각 10,000개 응답자 규모로 할 수 있다.
- (5) 흐름(플로우) 분석을 위한 반복적인 조사는 5년까지 허용될 수 있다.

제8조 : 행정보고 자료로부터의 통계작성

연방 행정기관들이 통계작성 목적이 아닌 자료를 수집하고 있는 경우, 연방통계청은 전적으로 또는 부분적으로 행정보고 자료로부터 통계를 작성할 수 있다. 의뢰기관의 승인 하에 연방통계청은 결과공표 및 보고서 발간이 가능하다.

제9조 : 통계작성 근거법률의 수록 내용

- (1) 연방통계의 작성을 요구하는 법률에서는 조사성격, 조사형태, 대상기간, 조사시점, 조사주기 및 조사대상에 대해서 반드시 결정해야 한다.
- (2) 법률에 조사표 일련번호를 기입하는 여부를 결정해야 한다.

제10조 : 조사 및 부차적 특성

- (1) 조사의 특성이라 함은 통계목적으로 수집된 개인(개별사업체)에 대한 자료를 의미한다. 부차적 특성이라 함은 기술적 특성에 대한 자료를 의미한다.
- (2) 마을이름과 블록은 조사특성의 지역적 분포 분석을 위해 사용될 수 있다. 주소는 조사가 끝난 후 4년간 동안만 블록 분포 분석을 위해 사용될 수 있다.
- (3) 블록이라 함은 도로나 저명한 지형지물로 경계가 이루어진 구역을 말한다.

제11조 : 조사표

- (1) 응답자에 의해 조사표가 반드시 작성되어야 하는 경우, 응답은 정해진 양식에 따라 조사표에 기입되어야 한다.
- (2) 이 경우 자료의 정확성은 서명한 사람에 의해 확인(증명)되어야 한다.
- (3) 조사표는 컴퓨터가 직접 읽어들이 수 있는 형태로 작성하는 것이 가능하다. 조사표에는 조사목적에 벗어난 개인에 대한 특성항목이 포함될 수 없다.
- (4) 조사표에는 법률에 근거한 부차적 특성이 명시되어야 한다.

제11조 a (1996. 1. 17일자 법 제2조에 따라 추가된 조항임)

- (1) 자료수집시 컴퓨터를 이용한 방법을 적용할 수 있다.
- (2) 컴퓨터를 이용하여 자료수집을 할 경우, 응답을 종이에 써서 할 수 있다.

제12조 : 부차적 특성자료의 폐기

- (1) 부차적 특성은 법 제10조 2항, 제13조 2항 또는 다른 법에 명시된 경우 이외에는 조사의 완전성 검토를 하고 나서 폐기해야 한다. 즉, 가능한 빠른 시간 내에 조사특성과 분리하여 다른 곳에 저장해야 한다.
- (2) 반복적인 조사의 경우 표본크기를 정하는 데에 필요한 부차적 특성이 다른 곳에 저장되어야 한다. 이 또한 목적이 달성되면 폐기해야 한다.

제13조 : 주소 목록

- (1) 연방통계청과 지방주통계청에서는 다음과 같은 필요에 의거하여 사업체(기업) 주소목록을 관리할 수 있다.

1. 연방통계의 작성준비
 - a) 통계단위의 기록
 - b) 통계단위의 추출
 - c) 표본교체와 응답자 부담 경감
2. 연방통계의 자료수집
 - a) 조사표의 우편발송
 - b) 조사표 회수 및 내검
3. 연방통계의 자료처리
 - a) 조사결과의 정확성 검토
 - b) 평가
 - c) 다른 표본조사에의 이용

(2) 다음과 같은 사업체(기업)에 대한 조사특성 및 부차적 특성자료는 상기1항의 주소목록 관리를 위하여 사용될 수 있다.

1. 사업체(기업체) 명칭, 주소, 경영자 성명
2. 기업의 법률적 형태
3. 경제활동 유형
4. 종사자수
5. 사업체에서의 보고내용
6. 주소목록에 기입된 일자

※ 개별사업체에 고유번호를 부여할 수 있다. 이 고유번호에는 상기 1~6호에 언급된 내용 이외에 다른 자료가 포함될 수 없다.

(3) 연방통계청과 지방주통계청은 제13조2항의 상기 자료 및 고유번호에 대한 정보를 교환할 수 있다.

- (4) 13조2항의 상기 자료 및 고유번호는 13조1항의 목적달성 후 즉시 폐기되어야 한다.

제13조 a : 조사된 자료와 다른 자료출처와의 비교

- (1) 제13조1항의 자료는 자료수집이 요구되는 경우에 한해서 추가로 통계조사를 실시하지 않고 매치될 수 있다. 이 경우 원래 부여된 고유번호 이외에 다른 일련번호가 사용될 수 있다.
- (2) 법 제5조3항에 따라 연방정부가 제출해야 하는 보고서 또한 연방통계청과 지방주통계청에서 매치를 시행할 수 있다.

제14조 : 조사원

- (1) 조사원은 연방통계 실시를 위하여 임명된다. 직무상 알게된 정보를 응답자에게 불리하게 사용할 우려가 있는 자는 조사원으로 채용될 수 없다.
- (2) 조사원은 조사과정에서 알게된 정보를 다른 목적으로 사용할 수 없다. 조사원은 통계비밀을 보호해야 함을 서류로 작성해야 한다. 이 의무는 조사완료 후에도 적용된다.
- (3) 조사원은 조사지침에 따라 조사해야 하는 의무가 있다. 현지에서는 신분을 밝혀야 한다.
- (4) 조사원에 대해 조사원의 권리와 의무를 통지해야 한다.

제15조 : 정보제공의무

- (1) 조사시 응답자가 정보를 제공할 의무가 있는지 여부와 어느 정도 제공하여야 하는지에 대해 법률적 근거가 마련되어야 한다. 정보를 제공할 의무가 있다고 규정에 명시되는 경우, 모든 가구·사업체·협회·지방주·지방자치단체는 정당한 조사내용에

응답을 해야 한다.

- (2) 정보는 공식적으로 연방통계를 담당하는 조사원 및 기관에게 제공되어야 한다.
- (3) 응답은 연방통계청 및 지방주에 의해 정해진 시간 내에 진실하며 완전하게 주어져야 한다. 만약 정보가 서류로 주어진다면, 완료된 조사표가 조사사무실에 도착되기 전에는 조사가 끝났다고 보지 않는다. 응답은 무료이며 수신자 부담으로 한다.
- (4) 조사가 조사원에 의하여 이루어지는 경우, 구두 또는 서류로 할 수 있다.
- (5) 상기 4호에 의거하여 서류로 정보를 주는 경우 요청시 완료된 조사표를 조사원에게 밀봉하여 건네주어야 한다.
- (6) 응답에 반대하고 조사에 대해 취소소송을 제기하는 것은 조사를 중단하는 효력을 갖지 않는다.

제16조 : 비밀

- (1) 개인에 대한 신상자료는 통계종사자 및 조사원에 의해 다른 특별법에 명시된 경우를 제외하고는 누설되어서는 안된다. 단, 다음 경우는 예외로 한다.
 - 1. 응답자가 이를 서류로 허락한 경우
 - 2. 일반적으로 자료 접근이 가능한 개별 자료를 공공기관이 이용하는 경우
 - 3. 연방통계청 또는 지방주통계청에 의해 요약된 자료
 - 4. 개별 자료가 관계 응답자간 매치가 되지 않는 경우
- (2) 다른 사람 및 다른 기관에게 개별 자료를 넘겨주는 것은 연방통계 작성에 필요한 만큼 가능하다.

- (3) 연방통계청은 어느 한 지역에 대한 특별한 평가를 하기 위하여 지방주통계청에 그 지역의 조사자료를 넘겨줄 권한이 있다. 국민계정을 편제하기 위하여 연방통계청과 지방주통계청은 상호 개별자료를 주고받을 수 있다.
- (4) 규제가 아닌 입법기관과 정책기획 목적으로 이용되는 경우, 연방통계청 및 지방주통계청은 통계표가 비록 한 사업체에 대한 내용을 수록하고 있더라도 통계결과표를 제출해야 한다. 이는 법률이 허용하는 선에서 가능하다.
- (5) 연방 및 지방주통계청은 통계목적에 한해서 지방자치단체에게 법률이 허용하는 내의 개별 자료를 줄 수 있다.
- (6) 연방 및 지방주통계청은 과학적 기법연구 목적을 위하여 대학부설연구소 등에게 개별 자료를 찾는 것이 많은 시간, 비용, 인력이 필요로 되는 경우에 한해서 그리고 자료를 가져가는 자의 현직에 있거나 공식 선서를 한 자에 한해서 개별 자료를 줄 수 있다.
- (7) 개별자료를 가져가는 자는 자료를 가져가기 전에 비밀을 보호할 것을 약속해야 한다.
- (8) 갖고 간 자료는 해당 목적에만 사용되어야 하며, 상기 6항의 목적이 완결되면 파기되어야 한다.
- (9) 자료를 준 연방 및 지방통계청에서는 자료내용, 자료를 받아간 기관, 준 날짜 및 준 목적을 기록해야 한다. 이 기록은 최소한 5년 동안 보관해야 한다.
- (10) 비밀보호조항은 특별법에 의해 개별자료를 받아간 경우에도 적용된다.

제17조 : 통보

응답자는 다음 사항을 통보 받아야 한다.

1. 조사목적, 형태, 범위
2. 통계비밀보호(제16조)
3. 정보를 제공해야 하는 의무가 있는지 또는 정보제공이 임의적 인지 여부
4. 자료의 파기(제12조)
5. 조사원의 권리와 의무(제14조)
6. 자료제공 거부소송 제기가 조사를 취소하는 효력은 없음(제15조 6항)
7. 주소목록을 관리하기 위한 부차적 및 조사특성(제13조 2항)
8. 일련번호의 중요성 및 내용(제9조 2항)

제18조 : EU의 통계조사

- (1) 이 법의 규정은 필요한 경우 변경을 가하여 EU법령에 대해 즉각적인 법률적 효력을 갖는다.
- (2) EU의 법령이 이 법의 규정과 일치하지 않거나 균형이 맞지 않는 경우, EU법에 자료제공의무가 명시되어 있지 않는 한 EU에의 자료제공은 자의적으로 할 수 있다.

제19조 : 연방통계청의 국제관계

연방통계청은 통계작성계획 및 법령의 준비, 방법론적·기술적 연구와 통계비교성 제고, EU 및 국제기구 목적을 위한 국민계정 및 기타 종합통계의 편제 및 자료제공 업무에 협력해야 한다.

제20조 : 연방통계작성 비용

연방통계작성비용은 연방당국에서 발생하는 경우에 한해 연방정부에 의해 지출되어야 한다. 기타 비용은 지방주정부에 의해 지불된다.

제21조 : 개인(사업체)의 식별금지

이 법에 명시된 통계목적 이외에 개인이나 사업체 식별을 위하여 연방통계에서 개별자료를 매치하거나 다른 자료와 연계해서 사용하는 것은 금지된다.

제22조 : 벌칙조항

상기 사항 위반 시 1년 이내의 징역 또는 벌금에 처해질 수 있다.

제23조 : 벌금조항

- (1) 만약 어떤 사람이 제15조 1~3항(정보제공의무)에 반해서 고의적으로 또는 부주의로 인해 정보를 전혀 주지 않거나 왜곡 응답을 하고, 또는 주어진 시간 내에 응답하지 않는 경우는 이례적이라고 간주된다.
- (2) 만약 어떤 사람이 제11조 1항(조사표작성)에 반해서 정해진 양식의 조사표에 응답을 하지 않은 경우도 이례적이라고 간주된다.
- (3) 상기 두 가지 경우 10,000마르크 이내의 벌금에 처해질 수 있다.

제24조 : 규정위반에 대한 법에 명시된 행정당국

규정위반에 대한 법에 명시된 행정당국이라 함은 다음 경우에 한해서 연방통계청을 말한다.

- 연방통계청이 제3조 1항에 따라서 연방통계를 기획·실시·처리하는 경우
- 제18조(EU통계조사)의 규정에 따른 조사활동에도 같이 적용된다.

제25조 : 지방주정부 및 지방자치단체 통계를 무효화시키기 위한 소송의 효력

지방주정부 및 지방자치단체 통계조사에 대해 정보를 제공하지 않을 목적으로 거부 및 무효소송을 내는 것이 조사중지 효력을 갖지 않는다는 사항을 법령에 명시할 수 있다.

제26조 : 잠정규정

(1) 연방정부가 어떤 연방장관 또는 소속기관에게 제3조 1항(연방통계작성)의 임무를 전적으로 또는 부분적으로 수행토록 권한을 부여하는 경우, 그 기관에서 통계업무를 수행하는 조직을 별도로 가지고 비밀보호가 이루어진다는 보장이 되어야만 권한이 지속된다.

(2) 연방통계 작성 법령에 따라 실시되는 통계조사의 경우, 이 자료에는 기술적 사항의 수행에 필요한 부차적인 특성자료가 포함되며 이는 다음 목적에 이용된다.

1. 조사대상의 결정, 조사항목 작성, 주소명부(이름, 주소, 전화번호) 작성
2. 조사대상의 지역할당
3. 조사특성의 배분 및 평가
4. 개인 식별

※특별법에 의한 경우를 제외하고는 상기 제4조에 따른 개인식별은 단지 연방이나 지방주통계청에 의해 어떤 한 개인이 식별되지 않는 경우에만 허용된다.

(3) 1984. 12. 31전에 시행되었던 법령의 경우, 개별자료를 주는 조항은 이 법 시행 후 4년간 효력이 정지된다.

제27조 : 베를린 조항

이 법은 “제3의 체제전환법” 제13조 1항의 규정에 따라 베를린주에도

적용된다.

제28조 : 시행

제26조 1항의 경우를 제외하고 이 법은 공포 후 즉시 시행된다. 제 26조 1항은 1989. 1. 1자로 시행된다.

이 법의 시행과 동시에

1. 1980. 3. 14자의 연방목적통계법과
2. 1968. 12. 20자의 통계부문에 있어서의 규정위반에 관한 벌칙 법령은 효력이 중지된다.

'1987. 1. 22 (Bonn)

네덜란드 통계법

**Law of 18 April 1996 establishing the Central Bureau of Statistics
and the Central Commission for Statistics**

Law of 18 April 1996 establishing the Central Bureau of Statistics and the Central Commission for Statistics (Act governing the Central Bureau of Statistics and the Central Commission for Statistics)

We, Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

To all who shall see or hear these presents, greeting! Be it known:

Whereas We have considered that it is desirable to enact rules concerning the establishment of the Central Bureau of Statistics and the Central Commission for Statistics, and on the acquisition, use and dissemination of data in the context of the provision of statistical information;

We therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

CHAPTER 1. DEFINITIONS

Article 1

In this Law:

- a. 'Our Minister' means Our Minister for Economic Affairs;
- b. 'CBS' means the Central Bureau of Statistics;
- c. 'Commission' means the Central Commission for Statistics.
- d. 'Director-General' means the Director General of Statistics

CHAPTER 2. THE CBS

1. Establishment and responsibilities

Article 2

There is a Central Bureau of Statistics, which falls under the responsibility of Our Minister.

Article 3

The CBS is responsible for carrying out statistical research for practical, policy and research purposes and for publishing statistics compiled on the basis of such research.

2. Management

Article 4

1. The head of the CBS shall be a director-general with the title Director-General of Statistics.
2. If the position of director-general or of his deputy should become vacant, the Commission shall make a recommendation to Our Minister regarding the filling of this vacancy.

3. Multi-annual programme and programme of work

Article 5

1. The director-general shall prepare a multi-annual programme at least once every four years.
2. The multi-annual programme shall lay down the broad outline of the activities the CBS will be carrying out in the coming years.

Article 6

1. Before 1 November of each year, the director-general shall prepare a programme of work for the next calendar year but one. He may alter the programme of work in the interim.
2. The programme of work shall lay down which activities the CBS will be carrying out in a given year, as far as the available resources allow.

Article 7

1. The director-general shall submit the multi-annual programme, the programme of work and any changes to the programme of work to the Commission for approval.
2. After approval by the Commission, the director-general shall make the multi-annual programme, the programme of work and any changes to the programme of work available for inspection at the CBS during the period for which they apply. He shall give notification of this in the Netherlands Government Gazette.

Article 8

The director-general shall decide on the methods with which the research contained in the multi-annual programme and the programme of work will be carried out, and the manner in which the results of this research will be published. Our Minister shall not give him instructions in this respect.

4. Collection of data

Article 9

1. The CBS is authorised to use, for statistical purposes, data from the records of State institutions and agencies. The CBS shall exercise this authority in accordance with Our Minister under whose responsibility the records in question fall.
2. The CBS shall be entitled to include the social security and fiscal number, as referred to in Section 47b(3) of the Law on State Tax, in personal data files and use it for statistical purposes. The CBS shall be entitled to use this social security and fiscal number in contacts with persons and official bodies to the extent that they themselves are authorised to use the number in a personal data file.

Article 10

1. Subject to the proper performance of the responsibilities referred to in Article 3, the CBS shall ensure that the collection of data is carried out in such a way that the administrative burden on enterprises and institutions is reduced to a minimum.
2. In its assessment of the programme of work referred to in Article 6 the Commission shall ensure that the CBS complies with the provisions of the preceding subsection.

5. Use of data; confidentiality

Article 11

1. The data received by the CBS in connection with the performance of its responsibilities shall be used solely for statistical purposes.
2. The data referred to in subsection 1 shall not be furnished to other persons than those charged with carrying out the responsibilities of the CBS.
3. The data referred to in subsection 1 shall only be published in such a way that no recognisable data can be derived from them about a particular person, enterprise or institution, or a particular household, unless there is good reason to believe that the parties concerned have no objections to such publication.
4. Contrary to subsections 1 and 2 above, data may be furnished to a public prosecutor or an assistant public prosecutor for the purpose of enforcing this Article.
5. Notwithstanding the provisions of subsections 1 to 4 above, the provisions of Articles 4 and 5 of the Law of 28 December 1936, concerning measures to obtain accurate economic statistics (Netherlands Bulletin of Acts, Orders and Decrees 639 DD), shall remain in full force and effect.

6. Dissemination of data

Article 12

Contrary to the provisions of Article 11, the CBS shall furnish data to an agency or institution established or founded by or pursuant to the Treaty Establishing the European Community, in so far as there is an obligation to do so pursuant to a regulation, directive or decision passed under that Treaty.

Article 13

1. Contrary to the provisions of subsections 1 and 2 of Article 11, the CBS may, if so requested, furnish a set of data to an agency, organisation or institution as referred to in subsection 2 of this Article, for the purpose of statistical or academic research, provided appropriate measures have been taken to prevent the recognition of particular persons, households, enterprises or institutions.
2. A set of data as referred to in the preceding subsection may be furnished to:
 - a. a university within the meaning of the Law on Higher Education and Research Act;
 - b. an organisation or institution for academic research established by law;
 - c. the Central Planning Office and the Social and Cultural Planning Office;
 - d. the Statistical Office of the European Communities;
 - e. other agencies, organisations and institutions, in so far as the authorisation of the Commission has been obtained.

Article 14

The CBS shall grant a request to furnish data as referred to in Article 13 only if the applicant has, in the opinion of the CBS, taken sufficient measures to ensure that the data to be furnished will not be used for purposes other than statistical or academic research.

7. Work for third parties

Article 15

The CBS may occasionally carry out work for third parties. Our Minister shall insure that the work referred to in the first sentence does not lead to unfair competition with private sector providers of comparable services.

CHAPTER 3. THE COMMISSION

1. Establishment, responsibilities and powers

Article 16

There is a Central Commission for Statistics.

Article 17

The Commission is responsible for:

- a. promoting co-ordination of the provision of statistical information by the government;
- b. promoting the accuracy and completeness of statistics published by the government.

Article 18

1. The Commission shall instruct the director-general to carry out statistical research and to publish the statistics compiled on the basis of such research, either of its own accord or at the request of Our Minister. The director-general is required to carry out the Commission's instructions.
2. The director-general may appeal to Our Minister against an assignment given by the Commission of its own accord.

Article 19

With the exception of urgent cases, one of Our Ministers will only initiate new statistical research or modify ongoing research after the Commission has been heard.

2. Composition

Article 20

1. The Commission shall consist of a Chair and an even number of no fewer than six and no more than ten other members.
2. The secretary of the Commission, who shall also be an advisory member, shall be an officer of the CBS designated by the director-general.

3. Appointment, term of office and dismissal

Article 21

1. The chairman and the other members of the Commission shall be appointed and dismissed by royal decree. One member shall be designated deputy chairman by royal decree.
2. Our Minister shall nominate members for appointment after a recommendation to that effect by the Commission.

Article 22

1. The members shall be appointed for a period of four years. Except in special cases, they may be reappointed only once.
2. Where membership is terminated prematurely, the member appointed to fill the vacant place shall retire at the time the person in whose place he was appointed should have retired. He may immediately be reappointed.

4. Method of work

Article 23

1. The Commission shall adopt rules, which, like any amendments to them, require the approval of Our Minister.
2. The Commission shall meet at least twice a year.

Article 24

For the purpose of carrying out its responsibilities the Commission may directly approach third parties to obtain the information it requires.

Article 25

The Commission may delegate the preparation of certain decisions, or decisions in certain areas, to a sub-committee consisting of members of the Commission or non-members, or to the director-general.

Article 26

In urgent cases, the chairman of the Commission may exercise the power of the Commission referred to in subsection 1 of Article 7, if it concerns a change in the programme of work, and the powers referred to in articles 18 and 19.

Article 27

1. Documents issued by or in the name of the Commission shall be signed by the chairman and the secretary.
2. The secretary is accountable only to the Commission for the performance of his responsibilities.

Article 28

Decisions of the Commission shall be taken in accordance with the position adopted by the majority of the members.

Article 29

At the request of Our Minister, the Commission shall furnish the information necessary for the performance of his responsibilities. Our Minister may require to be allowed to inspect non-personal data and documents to the extent reasonably considered necessary for the performance of his responsibilities.

CHAPTER 4. BUDGET, REPORT AND EVALUATION OF CBS AND COMMISSION

Article 30

1. Each year before 1 March the director-general shall submit a budget of the income and expenditure of the CBS for the next calendar year to Our Minister. The Commission shall receive a copy of the budget.
2. Each year before 1 March the Commission shall submit a budget of its expenditure for the next calendar year to Our Minister.

Article 31

1. Each year before 1 May the director-general shall send the Commission a report of the activities of the CBS in the preceding calendar year. The report shall also give an insight into the administrative burden placed on enterprises and institutions as a result of the data collection by the CBS, and into the provisions the CBS has made pursuant to article 10, and into the reduction of the administrative burden.
2. Each year before 1 June the Commission shall send Our Minister a report of its activities in the preceding calendar year, enclosing the report of the activities of the CBS referred to in the preceding subsection.

3. The reports referred to in subsections 1 and 2 above shall be made available for inspection at the CBS after the date mentioned in subsection 2 above, for a period of eight weeks. The director-general shall give notification of this in the Netherlands Government Gazette.
4. Our Minister shall send a copy of the reports referred to in subsections 1 and 2 above to the Lower House of the States General without delay.

Article 32

The Commission shall submit a report to Our Minister once every six years, in which the Commission's performance of its responsibilities shall be subjected to scrutiny and in which proposals may be made for desired changes.

CHAPTER 5. TRANSITIONAL AND FINAL PROVISIONS

Article 33

On the first occasion on which members of the Commission are appointed after this Act has entered into force, Our Minister shall nominate its members without a recommendation by the Commission.

Article 34

The Royal Decree of 9 January 1899 concerning the Central Bureau of Statistics and the Central Commission for Statistics is repealed.

Article 35

This Law comes into force with effect from the first day of the second calendar month after the date of publication of the Netherlands Government Gazette in which it is promulgated.

Article 36

This Act may be referred to as: Law on the Central Bureau of Statistics and Central Commission for Statistics.

We order and command that this Law shall be published in the Netherlands Government and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done

The Hague, 18 April 1996

Beatrix

The Minister for Economic Affairs,

G.J. Wijers

Published 14 May 1996

LAW ON ECONOMIC STATISTICS

Law passed on 28 December 1936, Stb.639DD, pertaining to measures for obtaining correct economic statistics, as changed by the Laws of 11 February 1988, Stb 77, and 4 June 1992, Stb.422

We WILHELMINA, etc.

As we have taken into consideration that it is desirable to take measures for obtaining correct economic statistics;
So it is, etc

Art. 1 - 1. The Central Bureau of Statistics is entitled, under the authorisation and supervision of Our Minister in charge of the implementation of this law, and after hearing the Central Commission of Statistics, to gather, either directly or through civil servants and experts, the statements and information it deems necessary for obtaining correct economic statistics, also on previous years.

- 2. In case the statements and information mentioned in the preceding paragraph pertain to Dutch banking activities, they shall be gathered after consultation with, and through the Nederlandse Bank, in the sense that the Bank shall collect the data pertaining to individual persons, enterprises or institutions, shall total them, and forward the totals thus obtained to the Central Bureau of Statistics.

- 3. All citizens and other persons residing within the Kingdom in Europe, with exception of the Heads of Departments of general government, shall be obliged to supply the statements and information requested.

Art.2. - 1. To obtain the statements and information mentioned in the preceding article, the CBS shall approach the persons concerned in writing.

- 2. In the case referred to in paragraph two of the preceding article, the CBS shall notify De Nederlandse Bank of the questions posed.

-3. The persons concerned shall be obliged to answer the questions posed clearly and truthfully without reservations, within the period set by Our Minister in charge of the implementation of this law, in granting the authorisation referred to the first paragraph of Article 1.

- 4. Article 19 of the law of 5 August 1850 (*1) Staatsblad nr 45 is applicable (*2).

Art.3.- 1. In special cases Our Minister in charge of the implementation of this law can authorise the civil servants and experts appointed by the Central Bureau of Statistics to demand inspection of books, documents and papers.

-2. In as far inspection of books, documents and papers is required of banks and bankers established in the country, this will be done with the mediation of the Nederlandse Bank, that is, the bank will appoint persons who can demand access with the authorisation of Our Minister in charge of the implementation of this law.

Art. 4. It is prohibited for any person carrying out any task within the framework of this law to make use of the statements and information received according to Article 1, and data obtained by inspecting books, documents and papers, according to Article 3, for any purpose other than that necessary for carrying out his duties.

Art.5. Data gathered on the basis of this law will not be disclosed in such a form that returns and information about an individual person, company, or institution can be deduced, unless the individual, the head of the company, or the governing board of the institution have no objection to such disclosure.

Art.6. Our Minister in charge of the implementation of this law is authorised to give further instructions with regard to the exercise of powers referred to in Articles 1 and 3, after consultation with the Central Commission of Statistics.

Art.7. -1. Persons who refuse, or neglect, to supply the returns or information referred to in article 1, even though they are able to provide them, or refuse inspection of the books, documents and papers referred to in Article 3, shall be liable to detention for a maximum of three months or a fine of the second category.

-2. He who deliberately provides incorrect returns or information, or deliberately cooperates in such a provision, shall be liable to imprisonment for a maximum of one year or a fine of the third category.

-3. He who deliberately violates the confidentiality imposed by Article 4, shall be liable to imprisonment for a maximum of six months or a fine of the third category.

-4. He who is responsible for the violation of the said confidentiality shall be liable to detention for a maximum of three months or a fine of the second category.

-5. He who deliberately discloses data obtained within the framework of this law, in violation of Article 5, shall be liable to imprisonment for a maximum of six months or a fine of the third category.

-6. He who is responsible for the disclosure of data obtained within the framework of this law, in violation of Article 5, shall be liable to detention for a maximum of three months and a fine of the second category.

-7. The acts made punishable in the first paragraph of this

article, shall be considered misdemeanours, the acts made punishable in the second, third, fourth, fifth and sixth paragraphs shall be considered an indictable offence (*1)

Art 8. This law will, upon coming into force (*2) supersede the law of 1 December 1917, Staatsblad number 665.

Thus instructed etc.

(*1) Art. 7 was changed by the Law of 11 February 1988, Stb. 77

(*2) 8 February 1937.

아일랜드 통계법



Number 21 of 1993

STATISTICS ACT, 1993

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 ACTS REFERRED TO

Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Act, 1956	1956, No. 46
Civil Service Regulation Act, 1958	1958, No. 34
Data Protection Act, 1988	1988, No. 25
Local Government Act, 1941	1941, No. 23
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Statistics Act, 1926	1926, No. 12
Statistics Act, 1946	1946, No. 34



Number 21 of 1993

STATISTICS ACT, 1993

AN ACT TO PROVIDE FOR THE COLLECTION,
COMPILATION, EXTRACTION AND DISSEMINATION OF
OFFICIAL STATISTICS AND FOR RELATED MATTERS.
[14TH JULY, 1993]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

- Short title 1.—This Act may be cited as the Statistics Act, 1993.
- Commencement 2.—This Act shall come into operation on such day as the
Taoiseach by order appoints.
- Interpretation 3.—In this Act, unless the contrary intention appears—
- “civil servant” means a person holding a position in the Civil Service;
- “contravention” includes failure or refusal to comply;
- “copy” means the reproduction of a record or any part thereof by clerical, photographic, electronic or any other means;
- “dissemination” means the publication, sale or provision of official statistics in any other manner or form either directly or indirectly through other persons or undertakings;
- “the Director General” means the Director General of the Central Statistics Office;
- “functions” includes powers and duties;

"local authority" means a local authority for the purposes of the Local Government Act, 1941;

"the office" means the Central Statistics office;

"officer of statistics" means a person so defined in *section 20* of this Act;

"official statistics" means statistics compiled by the office or any other public authority whether under this Act or otherwise;

"person in charge" means the person who is for the time being in charge of any premises or undertaking including owners and tenants;

"premises" includes any dwelling, other building, hut, caravan, tent, place, vessel in Irish territorial waters, aircraft and train;

"public authority" means any Department of State, local authority, health board or other body established by any enactment;

"public servant" means a person holding a position in any public authority including the Garda Síochána;

"record" includes any paper, photographic, electronic or other mode of recording or storing information and any form, schedule, questionnaire, instruction or other such document;

"the repealed enactments" means the Statistics Acts, 1926 and 1946, repealed by this Act;

"statistics" includes, in addition to numerical data, information not expressible numerically which is necessary for the collection, compilation, analysis or interpretation of data;

"undertaking" means the whole or any part of a business enterprise, agricultural holding, institution, association or public authority.

4.—The Taoiseach may by order revoke or amend an order made by him under this Act.

Orders

5.—An order made under this Act shall be laid as soon as may be before each House of the Oireachtas.

Laying of orders
before Houses
of the
Oireachtas.

Expenses

6.—The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals and consequential provisions.

7.—(1) The Statistics Acts, 1926 and 1946, are hereby repealed.

(2) The Statistics (Trade Statistics (Shannon Free Airport) Order, 1970 (*S.I. No. 68 of 1970*), and every order made on or after the 1st day of January, 1988, under any provision of an enactment repealed by *subsection (1)* of this section and in force immediately before such repeal shall continue in force as if made under the corresponding provision of this Act.

(3) All information, questionnaires, forms and other records collected in compliance with orders made under the repealed enactments are subject to the restrictions on use and prohibitions on disclosure of information specified in *sections 32, 33, 34 and 35* of this Act.

(4) All information provided voluntarily to the Central Statistics Office prior to the commencement of this Act shall be subject to the same protection and provisions as if such information was collected under this Act.

(5) Any person acting as an officer of statistics under the Statistics Acts, 1926 and 1946, immediately prior to their repeal under *subsection (1)* of this section shall continue as an officer of statistics under the corresponding provisions of this Act.

PART 11

INSTITUTIONAL STRUCTURE—THE CENTRAL STATISTICS OFFICE, THE DIRECTOR GENERAL AND THE NATIONAL STATISTICS BOARD

The Central Statistics Office

institutional structure.

8.—(1) There is hereby established an Office to be known as the Central Statistics Office to exercise the functions conferred on it by this Act.

(2) The Director General appointed under *section 12* of this Act shall be responsible for the management and control of the Office.

(3) There shall be a National Statistics Board which with the agreement of the Taoiseach shall have the general function of guiding the strategic direction of the Office.

9.—(1) There shall be employed in the Central Statistics Office so many members of staff as the Taoiseach shall, with the concurrence of the Minister for Finance, from time to time determine.

Staff of the
Central
Statistics
Office.

(2) The members of the staff of the Office shall be civil servants of the State.

(3) The Taoiseach shall be the appropriate authority of the purpose of the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, in relation to members of the staff of the Office.

(4) The Taoiseach may delegate to the Director General the powers exercisable by him as the appropriate authority in relation to members of the staff of the Office and, if he does so, then, so long as the delegation remains in force—

- (a) those powers shall, in lieu of being exercisable by the Taoiseach, be exercisable by the Director General; and
- (b) the Director General shall, in lieu of the Taoiseach, be the appropriate authority in relation to members of the staff of the Office.

10.—(1) The functions of the Office shall be the collection, compilation, extraction and dissemination for statistical purposes of information relating to economic, social and general activities and conditions in the State.

Functions of
Office.

(2) The Office shall have authority to co-ordinate official statistics compiled by public authorities to ensure, in particular, adherence to statistical standards and the use of appropriate classifications.

(3) The Office shall have authority to assess the statistical potential of the records maintained by public authorities and, in conjunction with them, to ensure that this potential is realised in so far as resources permit.

Co-operation
and liaison with
other public
authorities and
persons.

11.— (1) The Office may make arrangements with other public authorities and persons for the collection, compilation, extraction or dissemination of information for statistical purposes.

(2) The Office shall maintain close and regular contact with the principal users and suppliers of statistics.

The Director General

The Director
General of the
Central Statistics
Office.

12.— (1) The Director General of the Office shall be appointed by the President on the nomination of the Taoiseach.

(2) The Director General shall be a corporation sole by the name of the Director General of the Central Statistics Office with perpetual succession and a seal and may sue or be sued by that name.

(3) The Person holding the office of Director General shall be a civil servant of the State.

(4) The Director General shall hold office on such terms and conditions as may be determined by the Taoiseach after consultation with the Minister for Finance.

(5) The Taoiseach shall be the appropriate authority for the purpose of the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, in relation to the Director General.

Independence
on statistical
matters.

13.— The Director General shall have the sole responsibility for and be independent in the exercise of the functions of deciding—

- (a) the statistical methodology and professional statistical standards used by the Office;
- (b) the content of statistical releases and publications issued by the Office; and
- (c) the timing and methods of dissemination of statistics compiled by the Office.

Access to the
Taoiseach.

14.— The Director General shall have the right to consult the Taoiseach concerning any matters affecting the Office or relating to official statistics or the administration of this Act.

15.— (1) The Director General may authorise any member of the staff of the office to exercise any of his functions under this Act and any such function shall, when exercised for the purposes of this Act, be deemed to have been exercised by the Director General.

Delegation of
functions of
Director
General.

(2) An authorisation under *subsection (1)* of this section—

- (a) may be made subject to such terms and conditions as the Director General may determine;
- (b) shall, while in force, not prevent the discharge by the Director General of the functions thereby delegated; and
- (c) may at any time be revoked by the Director General.

16.— A document purporting to be issued by the Director General or by any person exercising any of his function under this Act shall, unless the contrary is proved, be deemed to be such if the name of the person concerned is printed or stamped thereon or if it purports to be signed by that person, without proof of the authenticity of the signature.

Authenticity of
documents.

17.— The Director General, with the consent of the Minister for Finance and on such terms and conditions of service as he may determine, may make temporary appointments to unestablished posts on the staff of the Office declared to be excluded positions for the purposes of the Civil Service Commissioners Act, 1956.

Appointment of
temporary staff

The National Statistics Board

18.— (1) The National Statistics Board shall consist of eight members comprising the following seven persons who shall be appointed by the Taoiseach—

Composition and
appointment.

- (a) five persons of proven ability and experience in relevant fields, two of whom shall be nominated by the Taoiseach and three of whom shall be nominated by such organisation or organisations as the Taoiseach considers to be representative of the users of official statistics and providers of information under this Act,
- (b) an Assistant Secretary or equivalent or higher grade in the Department of the Taoiseach, and

(c) an Assistant Secretary or equivalent or higher grade in the Department of Finance,

together with the Director General, *ex officio*.

- (2) The Chairman of the National Statistics Board shall be appointed by the Taoiseach from among the members of the Board appointed under *subsection (1) (a)* of this section.
- (3) Every member of the Board appointed by the Taoiseach shall be appointed to hold office for such period, not being less than two or more than six years, as the Taoiseach may specify when appointing him.
- (4) A member of the National Statistics Board may be reappointed.
- (5) A member of the Board appointed by the Taoiseach may resign his office by letter addressed to the Taoiseach and may be removed from his office by the Taoiseach.
- (6) A member appointed under *subsection (1) (b) or (c)* of this section shall cease to hold office if he ceases to hold the relevant civil service position.
- (7) The Board may exercise its functions notwithstanding one or more vacancies in its membership.
- (8) The Board may regulate its own procedure.
- (9) The nominated members of the Board may be paid, out of moneys provided by the Oireachtas, such remuneration and allowances for expenses incurred by them as the Taoiseach, with the concurrence of the Minister for Finance, may determine.

Function of
National
Statistics
Board,

19.— (1) The function of the National Statistics Board in guiding, with the agreement of the Taoiseach, the strategic direction of the Office shall include in particular—

- (a) establishing priorities for the compilation and development of official statistics;
- (b) assessing the resources of staff, equipment and finance which should be made available for the compilation of official statistics;

(c) arbitrating, subject to the final decision of the Taoiseach, on any conflicts which may arise between the Office and other public authorities relating to the extraction of statistics from records or to the co-ordination of statistical activities.

(2) The Director General shall provide such information as may be required by the Board for the proper exercise of its functions.

(3) Nothing in *subsection (1) or (2)* of this section shall be construed as—

(a) enabling the Board to exercise any power or control in relation to the performance, in a particular case or in particular circumstances, of a function assigned to the Director General by or under this Act;

(b) authorising appointed members of the Board to have access to information collected under this Act which can be directly or indirectly related to an identifiable person or undertaking.

Officers of Statistics

20.— Each of the following persons—

Officers of
statistics.

(a) every member of the staff of the Office and any other person directly engaged by the Office in the collection or extraction of information under this Act,

(b) every other person who, consequent on arrangements made under *subsection (1) of section 11* of this Act, is for the time being engaged in and about the collection, extraction, compilation or dissemination of information under this Act, and

(c) any other person authorised in writing by the Director General to perform for a specified period particular statistical analysis which may necessitate access to data collected under this Act,

shall, for the purposes of this Act, be and is in this Act referred to as an officer of statistics.

Declaration of
secrecy.

21.— Every person shall before assuming duties as an officer of statistics sign a declaration in the following form—

“I, _____, solemnly declare that I will fully and honestly fulfil my duties as an officer of statistics in conformity with the requirements of the *Statistics Act, 1993*, and of all orders thereunder, and that I will not, except in the performance of my duties under that Act and such orders, disclose or make known during my service as an officer of statistics or at any time thereafter, any matter which comes to my knowledge relating to any persons, family, household or undertaking by reason of my service as an officer of statistics.”

Evidence of
appointment.

22.— (1) Every officer of statistics who is entitled under this Act to—

- (a) require or invite in person the completion and return of any document or the provision of any information orally or in writing from any person or undertaking,
- (b) inspect, copy or take extracts from, collect or receive any document relating to any person or undertaking, or
- (c) enter any premises,

shall be provided with a certificate of appointment signed by, stamped or printed with, the name of the Director General.

(2) An officer of statistics acting under this section shall on demand produce his certificate of appointment for inspection.

(3) A document produced by a person in pursuance of this section and purporting to be his certificate of appointment shall, unless the contrary is proved, be deemed without further proof to be such.

PART 111

COLLECTION OF INFORMATION

Forms.

23.— The Director General may prepare forms, questionnaires and other records for the collection of information under this Act and the instructions necessary for their proper completion, and specify the date or period within which these completed forms, questionnaires and other records or the required information should be returned to the Central Statistics Office.

24.— (1) The Director General or an officer of statistics may invite any person or undertaking to—

Invitation to
provide
information
on a voluntary
basis.

- (a) complete a form, questionnaire or other record,
- (b) answer any questions,
- (c) provide any information or records,

on a voluntary basis and any information so obtained shall be subject to the restrictions on use and prohibition on disclosure of information specified in *sections 32, 33, 34 and 35* of this Act.

(2) Persons and undertakings may provide information and records, or copies thereof, which they may possess to the Director General or officers of statistics on invitation under the provisions of this Act notwithstanding anything contained in the Data Protection Act, 1988.

25.— (1) The Taoiseach may prescribe by order a requirement on persons and undertakings to provide information under this Act, specifying, in particular—

Order by
Taoiseach
requiring
provision
of information.

- (a) the general nature of the information required;
- (b) the frequency with which it is to be provided;
- (c) the persons or undertakings, or classes of persons or undertakings, required to provide it.

(2) A separate order under *subsection (1)* of this section shall be made—

- (a) for each separate commencement of a survey undertaken at intervals of more than twelve months;
- (b) at least every five years for each continuing survey undertaken at intervals of twelve months or less.

26.— (1) The Director General or an officer of statistics may, pursuant to a requirement made under *section 25* of this Act, direct by the delivery of a notice any person—

Direction to
provide
information.

- (a) to complete and return a form, questionnaire or other record in accordance with any instructions contained therein or otherwise communicated to him,

(b) to answer questions asked of him by officers of statistics,

(c) to supply any record, copy of or extract from any record, by a specified date or within a specified period.

(2) For the purposes of this section and *section 27* of this Act a direction to provide information in compliance with a requirement made under *section 25* of this Act shall be sufficient-

(a) in the case of an individual person – if a notice addressed to that person is delivered to his last known place of residence, employment or business;

(b) in the case of an individual person in charge of premises—if a notice is delivered to the premises or to his office or residence without necessarily naming the person;

(c) in the case of a business undertaking—if a notice is delivered to the business or concern at any premises from which it operates or conducts its affairs using its trading name, or to any individual person involved in its management (including a receiver or liquidator or administrator) at his place of business or residence;

(d) in the case on an individual person in charge of any other undertaking—if a notice is delivered to his office or residence without necessarily naming the person.

Persons required
to provide
information.

27.— (1) Information requested by the Director General by delivery of a notice under *section 26* of this Act or this section shall be provided in the case of—

(a) a particular person – by the person in question if currently resident in the State and if abroad by a spouse or relative resident in the persons dwelling, or if deceased by the personal representative or next-of-kin of the deceased person's estate who has possession of or access to the information;

(b) a person in charge of premises – by that person and, if the information is required in respect of persons resident, boarding, lodging or working in the premises, it shall be the duty of each such person to provide the required information to the person in charge;

(c) an undertaking – by any or all of the following person who are in possession of or have access to the required information:

(i) proprietors, partners, directors, managers, liquidators, receivers and administrators of incorporated and unincorporated business undertakings;

(ii) the person in charge of any other undertaking.

(2) Where information which a person or undertaking claims to have provided in compliance with a direction made under *section 26* of this Act is not in the possession of the Office, the Director General may by delivery of a further notice under that section direct the person or undertaking to provide the information by a specified date.

28.— (1) Any notice or record delivered by an officer of statistics shall, until the contrary is proved, be sufficient evidence that is has been duly issued and delivered by or on behalf of the Director General.

Issue and delivery of notices and other documents.

(2) The delivery of any notice or record may be effected by being delivered in person by an officer of statistics or by post or by other means of communication and if delivered by post it shall be deemed to have been received when in the ordinary course of post it would be delivered.

29.— An officer of statistics may at all reasonable times, on production of his certificate of appointment if demanded, enter any premises for the purposes of—

Right of access for statistical purposes.

(a) delivering a notice under *section 26* of this Act, or

(b) delivering or collecting forms, questionnaires, records or information, or

(c) making any such inquiries as he is authorised to make under this Act.

PART IV

USE OF RECORDS OF PUBLIC AUTHORITIES FOR
STATISTICAL PURPOSES

Access to
records of
public
authorities.

30.— (1) For the purpose of assisting the Office in the exercise of its functions under this Act, the Director General may by delivery of a notice request any public authority to—

(a) allow officers of statistics at all reasonable times to have access to, inspect and take copies of or extracts from any records in its charge, and

(b) provide the Office, if any such officer so requires, with copies of extracts from any such record,

and the public authority shall, subject to *subsection (2)* of this section, comply with any such request free of charge.

(2) *Subsection (1)* of this section—

(a) shall not apply to records pertaining to a Court, the Garda Síochána, the prison administration or the Ombudsman or any of his officers;

(b) shall apply to medical records which are not publicly available only with the agreement of the Minister for Health.

(c) shall in all other cases have effect notwithstanding anything contained in any enactment other than provisions for the protection of public order or the security of the State.

Co-operation of
public
authorities
with the Office.

31.—(1) The Director General may request any public authority to consult and co-operate with him for the purpose of assessing the potential of the records of the authority as a source of statistical information and, where appropriate and practicable, developing its recording methods and systems for statistical purposes, and the public authority shall comply with any such request, in so far as resources permit.

(2) If any public authority proposes to introduce, revise or extend any system for the storage and retrieval of information or to make a statistical survey it shall consult with the Director

General and accept any recommendations that he may reasonably make in relation to the proposal.

(3) The Director General or any public authority may request the National Statistics Board to arbitrate on and, when agreement cannot be reached, to make recommendations to the Taoiseach for his decision on proposals made by the Director General under *subsection (1) or (2) of this section*.

(4) *Subsections (1) and (2) of this section—*

(a) shall not apply to records pertaining to a Court, the Garda Síochána or the Prison administration;

(b) shall in all other cases have effect notwithstanding anything contained in any enactment other than provisions for the protection of public order or the security of the State.

PART V

PROTECTION OF INFORMATION

32.— All information furnished by a person, undertaking or public authority under this Act shall be used only for statistical compilation and analysis purposes.

Restrictions on
use of
information.

33.— (1) No information obtained in any way under this Act or the repealed enactments which can be related to an identifiable person or undertaking shall, except with the written consent of that person or undertaking or the personal representative or next-of-kin of a deceased person, be disseminated, shown or communicated to any person or body except as follows—

Prohibition on
disclosure of
information.

(a) for the purposes of a prosecution for an offence under this Act;

(b) to officers of statistics in the course of their duties under this Act;

(c) for the purposes of recording such information solely for the use of the office in such form and manner as is provided for by a contract in writing made by the Director General which protects its confidentiality to his satisfaction.

(2) The Office may, for statistical purposes only, assign codes derived from information collected under this Act classifying undertakings listed in the administrative systems of other public authorities by economic activity and size (persons engaged) categories.

(3) The Taoiseach may by order prescribe such further prohibitions on the disclosure of identifiable records or information obtained under this Act or the repealed enactments for such periods as may be prescribed.

(4) Nothing in this Act shall be construed to require any person or undertaking to provide information in relation to a matter on which information was sought in circumstances that would entitle the person or undertaking to decline to give the information in a civil proceeding in any court or on the grounds of privilege.

Use of non-identifiable information for statistical analysis.

34.— The Office may provide, for statistical purposes only, information obtained in any way under this Act or the repealed enactments, in such form that it cannot be directly or indirectly related to an identifiable person or undertaking, to such person and subject to such charges, conditions and restrictions as the Director General may determine.

Access to Census of Population records after 100 years.

35.— In the case of a Census of Population undertaken under this Act or under the repealed enactments, the restrictions of *section 32 and 33* of this Act shall cease to apply 100 years after the date of the relevant Census.

PART VI

OFFENCES, PENALTIES AND EVIDENCE

Non-provision of required information.

36.— Any person who fails or refuses to provide any requested information in response to a direction from the Director General under *section 26 or 27* of this Act pursuant to a requirement made under *section 25* of this Act shall be guilty of an offence.

Prevention of access.

37.— Any person who prevents an officer of statistics from carrying out his duties as allowed under *section 29* of this Act shall be guilty of an offence.

38.— Any person who uses information furnished under this Act or the repealed enactments in contravention of *section 32* of this Act or wilfully discloses information relating to any identifiable person or undertaking in contravention of *section 33* of this Act shall be guilty of an offence.

Misuse of
information.

39.— Any Officer of statistics who in the pretended performance of his functions as such officer obtains or attempts to obtain by any means from any person on any occasion any information which he is not lawfully entitled to obtain by that means from that person on that occasion shall be guilty of an offence.

Abuse of office
by an officer of
statistics.

40.— Any person who wilfully obstructs the Director General or an officer of statistics in the exercise of his functions under this Act shall be guilty of an offence.

Obstruction of
Director General
or officers of
statistics.

41.— Any person not being an officer of statistics who represents himself as being an officer of statistics shall be guilty of an offence.

Impersonation
of an officer of
statistics.

42.— (1) Any person who wilfully destroys, damages or falsifies any document or record issued for the collection of statistics in compliance with a requirement made under *section 25* of this Act shall be guilty of an offence.

Protection of
documents.

(2) Any officer of statistics who fails to keep any document or record in his custody, containing information collected under this Act, in such manner as to ensure that unauthorised persons will not have access thereto shall be guilty of an offence.

(3) Any officer of statistics who wilfully fails to return to the Office a document or record collected from any person or undertaking under this Act shall be guilty of an offence.

43.— A person who, in purported compliance with any requirement or direction under this Act, provides information, makes a statement written or oral or produces or delivers any document false in a material particular, knowing it to be false, shall be guilty of an offence.

Furnishing
false
information.

44.— (1) A person guilty of an offence under any provision of this Act shall be liable—

Penalties.

(a) on summary conviction to a fine not exceeding
£1,000, or

(b) on conviction on indictment, to a fine not exceeding £20,000.

(2) Where a person is convicted of an offence under *section 36* of this Act he shall, if the contravention continues after conviction, be guilty of an offence on every day on which it continues and for each such offence he shall be liable—

(a) on summary conviction to a fine not exceeding £50, or

(b) on conviction on indictment to a fine not exceeding £1,000.

(3) Summary proceedings in relation to an offence under this Act may be brought and prosecuted by the Director General or an officer of statistics.

(4) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within two years from the date of the offence.

Statistical
evidence
in legal
proceedings.

45.— Prima facie evidence of any official statistics may be given in all legal proceedings by the production of a document purporting to contain such statistics and to be issued by the Central Statistics Office or to be signed by the Director General.

뉴질랜드 통계법

STATISTICS ACT 1975

1975, No. 1
(R.S. Vol. 26, p.791)

NOTES: 1. Except where otherwise indicated, all references to the State Sector Act 1988 in square brackets were substituted for references to the State Services Act 1962 by s.90 (a) of the State Sector Act 1988.

2. Except where otherwise indicated, all references to the Government Superannuation Fund Act 1956 were substituted for references to the Superannuation Act 1956 by s.3 (3) of the Government Superannuation Fund Amendment Act 1976.

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THE STATISTICS ACT 1975 1975, No. 1

An Act to consolidate and amend the Statistics Act 1955; and to make provision for official statistics; for [a Department having the name Statistics New Zealand] and the office of Government Statistician; and for the independence of the Statistician in the execution of his duties [24 April 1975]

Hist. Title : Omitted words "the Department of Statistics" and substituted words "a Department having the name Statistics New Zealand" on 15 December 1994 by 1994, No. 159, s.2 (1).

1. Short Title —This Act may be cited as the Statistics Act 1975.

2. Interpretation —In this Act, unless the context otherwise requires,—
"Appropriate Officer",—

(a) In relation to a Government agency or local authority, means the principal administrative officer thereof or a person duly authorised by him:

(b) In relation to any other Government Department, means the permanent head thereof or an officer duly authorised by him:

["The Department" means the Department referred to in section 12 of this Act:]

"Dwelling"—

(a) Means—

(i) A building, erection, or tenement, whether permanent or temporary, which is wholly or partly used for the purpose of human habitation.

- (ii) In a case where a building is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet, or held and used for the purpose of human habitation:

(b) Includes—

- (i) A ship or other vessel in any port, harbour, or dock in New Zealand or on any river or lake therein, or ashore, or on a passage between any 2 New Zealand ports:
- (ii) A bach, whare, hut, caravan, tent, or shelter:
- (iii) A train, an aeroplane, or a vehicle of any kind:

["Employee of the Department", means any person employed in or by the Department, whether permanently or temporarily, and includes any person employed under section 19 of this Act:]

"Government agency" means any agency of the Executive Government of New Zealand that has, by Order in Council, been declared to be a Government agency for the purposes of this Act:

"Government Department" means any Department, or instrument of the Executive Government of New Zealand; and includes a Government agency:

"Local authority" means a local authority within the meaning of section 2 (1) of the Local Government Act 1974:

"Minister" means the Minister of Statistics:

"Occupier" or "person in charge",—

(a) In relation to any dwelling, farm, factory, mine, workshop, office, shop, or other place of business, penal institution, hospital, mental hospital, or other public or charitable institution, includes the person for the time being in charge thereof:

(b) In relation to any ship or vessel, includes the master or other person for the time being in charge thereof:

(c) In relation to any aircraft, includes the person for the time being in command thereof:

(d) In relation to any train or vehicle, includes the person for the time being in charge thereof:

(e) In relation to an undertaking, includes the manager, secretary, clerk, or other executive officer of the undertaking, or any person actually in charge on behalf of the undertaking:

"Official statistics" means statistics derived by Government Departments from:

(a) Statistical surveys as defined in this section; and

(b) Administrative and registration records and other forms and papers the statistical analyses of which are published regularly, or are planned to be published regularly, or could reasonably be published regularly:

"Respondent" means any person who supplies or is required to supply statistical information:

"Sampling" means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons concerned in the relevant field of inquiry:

["Schedule" means any book, document, form, card, tape, disc, or storage media on which the information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act:]

"Statistical survey" means a survey of undertakings, or of the public of New Zealand, whereby information is collected from all persons in a field of inquiry or from a sample thereof, by a Government Department pursuant to the authority of this Act or any other Act, or without specific provision in any Act, wholly or primarily for the purpose of processing and summarising by appropriate statistical procedures and publishing the results of the survey in some statistical form:

"Statistician" means the Government Statistician; and includes any person for the time being authorised to exercise or perform any of the powers, duties, or functions of the Government Statistician:

"Undertaking" includes a Government Department, local authority, and any other form of organisation or body of persons or any part thereof.

Cf. 1955, No. 45, s.2

Status Compendium

Hist. "The Department": Definition repealed and substituted on 15 December 1994 by 1994, No. 159, s.2 (2). The repealed definition is listed below for reference.

"The Department' means the Department of Statistics."

Hist. "Employee of the Department": Definition repealed and substituted by s.2 of the Statistics Amendment Act 1985.

Hist. "Schedule": Definition repealed and substituted by s.2 of the Statistics Amendment Act 1982.

PART I OFFICIAL STATISTICS

3. Official statistics and co-ordination—(1) Official statistics shall be collected to provide information required by the Executive Government of New Zealand, Government Departments, local authorities, and businesses for the purpose of making policy decisions, and to facilitate the appreciation of economic, social, demographic, and other matters of interest to the said Government, Government Departments, local authorities, businesses, and to the general public.

(2) In order to co-ordinate as effectively as possible, and to render most useful the official statistics produced, and also to avoid unnecessary duplication of requests for information, all official statistics shall be subject to this Part of this Act, except where an exemption is specifically made by regulations made under this Act or by the Minister in writing.

4. Classes of official statistics—Information may be required of any person in a position to provide it to enable the production of official statistics of any or all of the following kinds:

- (a) Population and dwellings, migration (internal and external), vital and other demographic and social matters:
- (b) Health, welfare, and morbidity:
- (c) Cultural participation, education, and recreation:
- (d) Law enforcement and the administration of justice:
- (e) Matters relating to the social and physical environment:
- (f) Labour and manpower, including conditions of employment; work descriptions; wages, including direct and indirect emoluments; hours of work and labour disputes:
- (g) Accidents, including industrial injuries:
- (h) Incomes, earnings, and related emoluments; expenditure and taxation:
- (i) Household (including family) characteristics, conditions, and activities:
- (j) Land tenure, occupation of land, and condition of land:
- (k) Assets (including savings), liabilities, and wealth of persons, and undertakings:
- (l) Prices of property (real, personal, and choses in action) and of commodities and services at any or all transaction levels:

- (m) Internal trade, external trade, visible and invisible, and financial transactions with other countries:
- (n) Travel, internal and overseas:
- (o) Economic financial, production, and other matters relating to undertakings, including public administration, the Executive Government of New Zealand and local authorities; forestry, fishing, trapping; agriculture; mines, quarries, and wells; manufacturing; construction; transportation, storage, and communications; electric power, gas, and water utilities; wholesale and retail trade; finance, insurance, and real estate; restaurants; hotels and accommodation; and other community, business, welfare, and personal services:
- (p) Other similar matters, and such other matters as are prescribed by regulations under this Act. Cf. 1955, No. 45, s.11

5. Necessity to inform Statistician of details of official statistics—(1) As soon as practicable after the commencement of this Act, the permanent head or principal administrative officer of each Government Department shall inform the Statistician of the official statistics for which that Department is responsible. This information may, if the Statistician requires, include details of the concepts, classifications, and schedules used, the statistical methods and procedures employed, the resources employed, the means of publishing the official statistics and all other such matters as the Statistician may require so that he can exercise his duties under this Act; and thereafter an appropriate officer shall advise the Statistician of these matters when any new official statistics or substantial alteration to existing official statistics is being proposed in relation to his Department, or when any document which is being used or proposed to be used as the source of official statistics is being amended or drafted.

(2) The Statistician, after discussion with an appropriate officer of the Government Department concerned, may in any specific or general case, waive or relax, in whole or in part, the duty under subsection (1) of this section in respect of that Government Department.

(3) In the case of a disagreement between the parties in any discussion pursuant to subsection (2) of this section, the Minister shall decide the matter.

{Editorial Note: "existing" in 5(1) should read existing.}

6. Minister to approve all statistical surveys—(1) No Government Department shall commence or commission any statistical survey or make a substantial alteration to an already existing survey without the [written] approval of the Minister:

Provided that the Minister, after receiving a report from the Statistician, made after consultation with an appropriate officer of the Government Department concerned, may, in any specific or general case, waive or relax the duty under this subsection in respect of that Government Department.

(2) All applications for approval to conduct a statistical survey or make substantial alteration to an existing one shall be made in terms of paragraph (g) or paragraph (h) of section 14 of this Act.

(3) Statistical surveys of the kind provided for by this Act that are being collected, compiled, analysed, abstracted, or published by or on behalf of the Department or by any other Government Department at the commencement of this Act shall continue to be collected, compiled, analysed, abstracted, and published by the Department or the other Government Department that was collecting, compiling, analysing, abstracting, or publishing them at the commencement of this Act as

if they had been approved by the Minister in terms of this Act unless and until the Minister, after receiving a report from the Statistician, made after consultation with an appropriate officer of the Government Department concerned, decides otherwise.

Status Compendium

Hist. s.6 (1) inserted word "written" by s.3 of the Statistics Amendment Act 1982.

7. Periodic reviews—(1) The Statistician shall from time to time review the collection, compilation, analysis, abstraction, and publication of official statistics prepared by his own Department and by other Government Departments.

(2) Any Government Department shall, within a reasonable time after receiving notification in writing from the Statistician that a review as provided for in subsection (1) of this section is to be made, provide such reasonable facilities as are necessary to facilitate completion of the review.

8. Sampling—(1) Official statistics may be collected by means of the statistical procedure known as sampling, in place of a full enumeration, where the use of that method is considered appropriate.

(2) The fact that, because of any sampling procedure, only a portion of a particular group of persons is required to fill in a schedule or to answer any inquiry shall not be a defence to the failure of any person to fill in that schedule or to answer that inquiry if so required by any Act.

Cf. 1955, No. 45, s.19

[9. Joint collections]—(1) The Statistician, after consultation with an appropriate officer of the other Government Department, local authority, or statutory body (whether corporate or unincorporated) concerned, may recommend to the Minister that an agreement be made by the Statistician with any other Government Department, local authority, or statutory body (whether corporate or unincorporated) for information that they have authority to collect to be collected jointly by the Department [] and the other Government Department, local authority, or statutory body (whether corporate or unincorporated), and that this information be exchanged as between the agreeing parties to the agreement:

Provided that:

(a) The respondent shall, by notice in writing, be informed that the information is being collected jointly by the Department [] with or on behalf of a Government Department, local authority, or statutory body (whether corporate or unincorporated), which notice shall state the purposes to which the information will be put; and

(b) The authorisation shall be of no effect in relation to any respondent who gives notice in writing to the Statistician that he objects to the sharing of information by the parties to the joint collection.

(2) Any employee of any Government Department, local authority, or statutory body shall, if engaged in the joint collection of information or the processing of information collected in a joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed by section 21 of this Act.

(3) A declaration of secrecy shall be required under subsection (2) of this section regardless of whether the employee has made a declaration of secrecy under any other Act.]

Status Compendium

- Hist. s.9 (1) omitted words "of Statistics" after word "Department" on 15 December 1994 by 1994, No. 159, s.2 (4) (a).
- Hist. s.9 (1) proviso para. (a): Omitted words "of Statistics" after word "Department" on 15 December 1994 by 1994, No. 159, s.2 (4) (a).
- Hist. s.9 repealed and substituted by s.4 of the Statistics Amendment Act 1982.

10. Meetings of statisticians and users of statistics—(1) The Statistician shall, at least every 5 years, convene a meeting of users of official statistics to review user needs for such statistics.

(2) The Statistician may also hold other meetings, and set up committees, of statisticians, suppliers or users of statistics, and other interested parties, either to further the provisions of this Act or for general educational purposes, at his own initiative or on sufficient request.

11. Duty of all collectors and compilers of official statistics—It shall be the duty of all persons who undertake to collect or compile official statistics to comply with the provisions of this Part of this Act, and of such other sections of this Act as are applicable to them.

PART II

[DEPARTMENT AND GOVERNMENT STATISTICIAN]

Status Compendium

- Hist. Part Heading with s.12 repealed and substituted on 15 December 1994 by 1994, No. 159, s.2 (3). The repealed heading is listed below for reference.
- "DEPARTMENT OF STATISTICS AND GOVERNMENT STATISTICIAN"

12. Department—(1) There shall be a Department of State to be called Statistics New Zealand.

(2) The Department is the same Department as that existing immediately before the coming into force of the Statistics Amendment Act 1994 and known as the Department of Statistics.

Cf. 1955, No. 45, s.3

Status Compendium

- Hist. s.12 and heading above repealed and substituted on 15 December 1994 by 1994, No. 159, s.2 (3). The repealed s.12 is listed below for reference.
- "12. DEPARTMENT OF STATISTICS—
- "There shall be a Department of State to be called the Department of Statistics."

13. Office of Government Statistician—There shall from time to time be appointed under [the State Sector Act 1988] an officer to be called the Government Statistician, who shall be the administrative head of, and control, the Department [] and have such functions, duties, and powers as are conferred or imposed on him by this Act or any other Act.

Cf. 1955, No. 45, s.4

Status Compendium

- Hist. s.13 omitted words "of Statistics" after word "Department" on 15 December 1994 by 1994, No. 159, s.2 (4) (a).

14. Duties of Government Statistician—The duties of the Statistician shall be:

- (a) To make such reports to the Minister as are required by this Act, which reports shall have regard to the needs of user Departments; and, where consultations have been held, shall include the results of such consultations:
- (b) To advise the Minister on statistical policy matters, and where appropriate to confer with appropriate officers of other Government Departments to that end:
- (c) To keep the Minister informed of the statistical projects of all Government Departments, and to provide, where appropriate after consultation with an appropriate officer of any other Government Department concerned, any explanation required of the Statistician by the Minister of the purpose, scheme, methodology, and usefulness of any existing or proposed official statistical project:
- (d) To collect, with the [written] approval of the Minister, information concerning any or all of the matters specified in section 4 of this Act:
- (e) To compile, analyse, abstract, and publish, with or without comments, official statistics:
- (f) To advise other Government Departments on the conception of statistical projects initiated or carried on by them, and to promote the observance of approved statistical standards by those Government Departments:
- (g) To consult with appropriate officers of other Government Departments on the need for, and the scope, procedure, and form of any existing or proposed statistical survey being or to be carried out by the Departments; and to make a report to the Minister on the necessity for and the scope of any such survey and the Government Department or Departments to be responsible for the survey:
- (h) To make, after consultation with an appropriate officer of any other Government Department concerned, a report to the Minister on the need for the continuance or discontinuance or the variation of any current collections of official statistics:
- (i) To define, lay down, and promote standard concepts, procedures, definitions, and classifications for use in official statistics:
- (j) To make or construct such estimates, forecasts, projections, and statistical models as the Statistician may from time to time consider necessary:
- (k) To take the census of population and dwellings of New Zealand as provided for in Part III of this Act:
- (l) To examine and comment, where the Statistician considers necessary, on the interpretation and validity of any published unofficial statistics; and to publish any such statistics and comment thereon as the Statistician considers necessary:
- (m) To carry out such investigations, do all such things, and provide such certificates, as may be required of him by any other Act:
- (n) To supply, where the Statistician considers appropriate, specifications of the methods, procedures, and definitions used in the collection and preparation of the official statistics he produces, subject to section 37 of this Act.

Cf. 1955, No. 45, Ss.3, 4 (2)

Status Compendium

Hist. s.14 (d) inserted word "written" by s.5 of the Statistics Amendment Act 1982.

15. Independence of Government Statistician—(1) The Statistician shall have the sole responsibility for deciding the procedures and methods employed in the provision of any statistics produced or to be produced by the Statistician, and shall also have the sole responsibility for deciding the extent, form, and timing of publication of those statistics.

(2) Notwithstanding the provisions of subsection (1) of this section, where at the direction of the Minister the Statistician is required to collect or cease collection of statistics of any kind provided for by this Act and the Statistician would not without such a requisition produce or cease production of those statistics, he shall carry out the direction of the Minister, but the Statistician in such circumstances may make public without comment the fact that the statistics have been collected and published, or that collection and publication has ceased, at the direction of the Minister.

16. Annual report—(1) The Statistician shall, as soon as practicable after the close of each financial year, furnish to the Minister a report on the administration of this Act during the financial year.

(2) The report shall be laid by the Minister before Parliament as soon as practicable after its receipt by him.

Cf. 1955, No. 45, s.36

[17. Deputy Government Statisticians—(1) There shall from time to time be appointed under [the State Sector Act 1988] as many Deputy Government Statisticians as may be necessary for the effective and efficient carrying out of the functions and duties of the Department.

(2) Subject to the control of the Statistician, each Deputy Government Statistician shall perform such general official duties (including the exercise of functions, duties, and powers of the Statistician) as are for the time being assigned to him by the Statistician.

(3) On the occurrence from any cause of a vacancy in the office of Statistician (whether by reason of death, resignation, or otherwise) and in the case of absence from duty of the Statistician (from whatever cause arising), and so long as any such vacancy or absence continues, a Deputy Government Statistician shall have and may exercise all the functions, duties, and powers of the Statistician.

(4) The fact that a Deputy Government Statistician exercises any function, duty, or power of the Statistician shall be conclusive evidence of the authority of that Deputy Government Statistician to do so.]

Status Compendium

Hist. s.17 repealed and substituted by s.2 of the Statistics Amendment Act 1978.

18. Appointment of other employees—There shall from time to time be appointed under the [State Sector Act 1988] such other employees of the Department as may be required for the purpose of carrying out the provisions of this Act.

Cf. 1955, No. 45, s.6

[19. Employment of persons for collection of statistics—(1) The Statistician may employ from time to time—

(a) Such interviewers, agents, and other persons as may be necessary for the collection of such statistics and information as are authorised by this Act; and

(b) Such census regional controllers, census area managers, census district supervisors, census enumerators, and other persons as may be necessary for the purposes of Part III of this Act.

(2) The duties of the persons appointed under subsection (1) of this section shall be such as the Statistician determines.

(3) No person shall be deemed by reason only of his employment under this section to be employed in the service of Her Majesty for the purposes of [the State Sector Act 1988] or [the Government Superannuation Fund Act 1956].]

Status Compendium

Hist. s.19 repealed and substituted by s.3 of the Statistics Amendment Act 1985.

20. Evidence of appointment—Any document purporting to be signed by or on behalf of the Statistician and giving notice that any employee of the Department named therein is acting under the authority of the Statistician or setting forth any instructions to any employee of the Department named therein shall, unless the contrary is proved, be sufficient evidence of that authority or those instructions, as the case may be, and that the document was signed and addressed as it purports to be.

Cf. 1955, No. 45, s.9

[20A. Proof of signature of statistician and certain other persons]—(1) The stamped or printed signature of the Statistician, or any employee of the Department, may be used on any schedule, certificate, notice, or other document in relation to the exercise by that person of his powers, duties, and functions under this Act.

(2) Any schedule, certificate, notice, or other document purporting to bear the written, stamped, or printed signature of the Statistician, or any employee of the Department, shall until the contrary is proved, be deemed to have been duly signed by the person whose signature it purports to bear.

(3) Judicial notice shall be taken of every such signature and of the fact that the person whose signature it purports to be, holds or has held the office of Statistician, or is or has been an employee of the Department, as the case may be.]

Status Compendium

Hist. s.20A inserted by s.6 of the Statistics Amendment Act 1982.

21. Declaration of secrecy—[(1) Every employee of the Department, before entering on his duties, shall take and subscribe a statutory declaration in the following form:

"I, ..., solemnly and sincerely declare that I will faithfully and honestly fulfil my duties as an employee of [Statistics New Zealand] in conformity with the requirements of the Statistics Act 1975 and of all regulations thereunder, and that any information acquired by me as an employee of that Department will—

"(a) During my employment in that Department, be disclosed by me only in accordance with my official duty; and

"(b) After I cease to be an employee of that Department, be disclosed by me only with the authority of the Department."]

(2) Any employee of any Government Department, if engaged in the collection and processing of official statistics and if the information so collected is primarily for statistical purposes and the

respondent has been so informed shall, subject to agreement with an appropriate officer of the Department concerned, if required to do so by the Statistician, make a similar statutory declaration of secrecy, regardless of whether he has made a declaration of secrecy under any other Act.

[(3) An employee who has made a statutory declaration of secrecy under subsection (2) of this section or subsection (2) (b) of section 37C of this Act shall be deemed to be an employee of the Department for the purposes of—

(a) Subsection (1) of this section; and

(b) Subsections (2) and (3) of section 37 of this Act.

(3A) In respect of subsections (2) and (3) of section 37 of this Act, subsection (3) of this section shall relate only to the statistical collections with which the employee is associated.]

[(3B) Every independent contractor engaged by the Department under any contract (other than a contract of employment), and every employee of any such independent contractor, who is likely, in the course of carrying out the terms of that contract, to have access to information collected under the authority of this Act shall, if required to do so by the Statistician, make a statutory declaration of secrecy similar to the declaration of secrecy prescribed by subsection (1) of this section, regardless of whether that independent contractor or employee has made a declaration of secrecy under any other Act.

(3C) A person who has made a statutory declaration of secrecy under subsection (3B) of this section shall be deemed to be an employee of the Department for the purposes of—

(a) Subsection (1) of this section; and

(b) Subsections (2) and (3) of section 37 of this Act.]

(4) A statutory declaration for the purposes of this section may be made before any person authorised for that purpose by or under the Oaths and Declarations Act 1957 or before any other person authorised for that purpose by the Statistician; and the provisions of that Act shall apply in relation to any such declaration as if any person so authorised by the Statistician were so authorised by that Act.

(5) Every statutory declaration that is made for the purposes of this section shall be returned and recorded in such manner as the Statistician determines.

Status Compendium

Hist. s.21 (1): Omitted from form of statutory declaration words "the Department of Statistics", and substituted words "Statistics New Zealand" on 15 December 1994 by 1994, No. 159, s.2 (4) (b).

Hist. s.21 (1) repealed and substituted by s.2 of the Statistics Amendment Act (No. 2) 1982.

Hist. s.21 (3) repealed and s.21 (3) & (3A) substituted by s.2 of the Statistics Amendment Act 1986.

Hist. s.21 (3B) & (3C) added by s.2 of the Statistics Amendment Act 1988.

PART III

CENSUS OF POPULATION AND DWELLINGS

22. Provisions to apply to census of population and dwellings—

The provisions of this Part of this Act shall apply with respect to the quinquennial census of population and dwellings, and to any statistical inquiry taken directly with and as a part of that census; and, with respect to any matter not provided for in this Part of this Act, the provisions in the

other Parts of this Act relating to statistics generally shall, so far as they are applicable, apply with respect to that census and any such inquiry.

Cf. 1955, No. 45, s.20

23. Census of population and dwellings—(1) The census of population and dwellings of New Zealand shall be taken by the Department in the year 1976 and in every fifth year thereafter.

(2) The day on which the census of population shall be taken and the time with reference to which the particulars shall relate shall be appointed by the Governor-General by Proclamation.

(3) At a suitable time after the Proclamation made under subsection (2) of this section the Statistician shall publish, by advertisement in such newspapers as may appear to the Statistician to be sufficient for notifying the public of New Zealand, the date of the census, the place where advice and guidance related to the census may be sought, and the names and addresses of [census district supervisors] in the vicinity from whom schedules may be obtained if they have not been delivered.

Cf. 1955, No. 45, s.21

Status Compendium

Hist. s.23 (3) omitted words "enumerators and sub-enumerators" and substituted words "census district supervisors" by s.4 of the Statistics Amendment Act 1985.

24. Particulars to be collected at census—(1) At every census of population and dwellings particulars relating to all of the following matters shall be obtained from every occupier or person in charge of a dwelling:

- (a) The name and address, sex, age, and ethnic origin of every occupant of the dwelling;
- (b) Particulars of the dwelling as to location, number of rooms, ownership, and number of occupants on census night.

(2) At any census of population and dwellings the Statistician may, if he considers it in the public interest so to do, obtain from every occupier or person in charge of a dwelling particulars relating to all or any of the following additional matters:

- (a) The profession or occupation and industry in which employed, nationality and citizenship, health, marital condition, religion, birthplace, duration of residence in New Zealand, address where living at previous census or previous year, number of children, number of hours worked per week for wages or salary or financial reward, status in employment, name and address of employer, mode of transport to and from work, time taken to travel to work, income, address of usual residence, and service in the armed forces of every occupant of the dwelling;
- (b) Particulars of the dwelling as to type and tenure of dwelling and nature of materials of structure, household amenities, rent paid, and details of any livestock;
- (c) Any information relating to the kinds of statistics for which information may be required pursuant to section 4 of this Act or as may be prescribed by regulations under this Act.

Cf. 1955, No. 45, s.22

25. Duty of persons to obtain census schedule—It shall be the duty of any person who, because of any omission by an employee of the Department or other cause, has failed to receive any schedule relating to the census of population and dwellings by personal delivery at his dwelling to obtain that schedule by application to the nearest [census district supervisor] or to the Statistician or to an employee of the Department and to retain any schedule until it is collected from him by the [census

enumerator] for his district or in accordance with an arrangement of which he has been notified, and the fact that any schedule was not delivered at his dwelling shall be no defence in any prosecution against him under this Act for failure to fill in the schedule.

Cf. 1955, No. 45, s.23

Status Compendium

Hist. s.25 omitted word "enumerator" and "sub-enumerator" and substituted words "census district supervisor" and "census enumerator", respectively, by s.5 (a) & (b) of the Statistics Amendment Act 1985.

26. Duty of occupier and other persons abiding in dwelling—(1) It shall be the duty of every occupier or person in charge of a dwelling to ensure that the particulars demanded in the schedules relating to any census of population and dwellings are furnished with respect to every person abiding in the dwelling of which he is the occupier or person in charge on the day of the census and who is alive at midnight at the end of that day, and who, not being already included in any other census schedule, arrived in that dwelling after that midnight and before midday on the day following.

(2) If any person in respect of whom particulars are required to be furnished pursuant to subsection (1) of this section is not a member of the family of the occupier or person in charge of the dwelling, it shall be the duty of that person to furnish to the occupier or person in charge the particulars necessary for filling in any schedule or schedules, and to fill in any schedule or schedules personal to himself, and to hand the completed schedule or schedules to the occupier or person in charge:

Provided that any person over the age of 15 years may, if that person so wishes, enclose the completed personal schedule or schedules in an envelope endorsed with the census district number, the census sub-district number, the schedule number or numbers, and his name, and seal the envelope before delivery to the occupier or person in charge.

(3) Every occupier or person in charge or [census enumerator] who opens any such envelope commits an offence against this Act:

Provided that it shall not be an offence for a [census enumerator] to open the envelope where these particulars have not been properly endorsed on the envelope and he has been unable after reasonable endeavours to have these particulars completed by the respondent.

(4) Where a dwelling is occupied by 2 or more persons jointly, the duty imposed on the occupier or person in charge as to the furnishing of the particulars of the dwelling schedule for the census of population and dwellings shall lie upon the occupiers or persons in charge severally, save that the performance of the duty of the occupier or person in charge by one of the joint occupiers or persons in charge shall discharge the obligation of the other or others.

Cf. 1955, No. 45, s.24

Status Compendium

Hist. s.26 (3) omitted word "sub-enumerator" and substituted words "census enumerator" in 2 places by s.6 of the Statistics Amendment Act 1985.

27. Particulars of persons not abiding in any dwelling—(1) The Statistician shall obtain the required particulars in respect of persons not abiding in any dwelling on the night of the census of population and dwellings in such manner as he determines.

(2) Every person who can be lawfully required to provide such information pursuant to this Part of this Act shall, on being required so to do, furnish to the best of his knowledge and belief the required particulars relating to persons who were not abiding in any dwelling on the night of the census of population and dwellings.

Cf. 1955, No. 45, s.25

PART IV

COLLECTION OF STATISTICS BY THE DEPARTMENT

28. Provisions to apply to collections made by statistician—Unless specifically stated to the contrary, the provisions of this Part of this Act shall apply only to the statistics collected pursuant to this Act by the Statistician.

29. Forms—(1) The Statistician shall design and use such schedules as he sees fit for collecting the statistics authorised by this Act to be collected, and shall lay down for all such schedules the instructions and procedures necessary for the proper distribution, filling in, and return thereof.

(2) Any document purporting to be a schedule authorised pursuant to this Act for use in the collection of statistics or related information, or to set forth any instructions relative thereto, which is produced by any employee of the Department, or by any other person with authority delegated to him by or under any other Act mentioned in the schedule, as being such a schedule or as setting forth such instructions, shall be deemed to have been supplied by the Statistician to the employee of the Department or other such person so producing it, and shall, until the contrary is proved, be sufficient evidence that all instructions therein set forth have been duly issued by or on behalf of the Statistician.

Cf. 1955, No. 45, s.10

[30. Delivery of schedules—(1) Delivery to any person of a schedule for the purposes of this Act shall be effected by:

- (a) Giving it personally to that person; or
- (b) Sending it to that person by post addressed to that person either by name or office or as the occupier of the premises, at that person's last known place of abode or business, or at any address given by that person; or
- (c) Giving it personally to any other person authorised to act on behalf of that person; or
- (d) Sending it to that other person addressed to that person either by name or office or as the occupier of the premises, at that person's usual or last known place of abode or business, or at any address given by that person.

(2) Delivery of a schedule under subsection (1) of this section, if by post, shall be deemed, in the absence of proof to the contrary, to be effected at the time when the schedule would be delivered in the ordinary course of post.]

Status Compendium

Hist. s.30 repealed and substituted by s.7 of the Statistics Amendment Act 1982.

31. Onus to complete schedules—(1) Delivery to any person of any schedule purporting to be issued under this Act and having thereon a notice requiring that it be filled in and signed within a

stated time, shall, as against that person, be a sufficient requirement so to fill in and sign the schedule and, if so required in the notice, to post the schedule within a stated time to the Department.

(2) Delivery at any dwelling or part of a dwelling of any schedule purporting to be issued under this Act, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupier of that dwelling or part of a dwelling, or in his absence by some other member of the household, shall, as against the occupier, be a sufficient requirement so to fill in and sign the schedule, and if so required in the notice, to post the schedule within a stated time to the Department, whether or not the occupier is specifically named in the schedule or personally served therewith.

(3) Delivery at the factory, farm, mine, workshop, office, or place of business or other activity of any person, or his agent, or the occupier thereof, of any schedule purporting to be issued under this Act and having thereon a notice requiring that it be filled in and signed within a stated time, shall, as against that person or occupier, be a sufficient requirement to fill in and sign the schedule, and, if so required in the notice, to post the schedule within a stated time to the Department, whether or not that person or occupier is specifically named in the schedule or personally served therewith.

(4) Where a respondent has been duly requested to provide information and maintains that he has done so and the Statistician has no record of its receipt, the Statistician may supply the respondent with a further copy of the relevant schedule and require him by a further written request to supply the information as originally requested, and the provisions of subsections (1), (2), and (3) of this section shall apply as if this was an original request.

[(4A) Where a respondent has been duly requested to provide information in a schedule delivered to him and either has not supplied all the information required, or the information supplied is inadequate or the Statistician requires the information supplied to be clarified or explained, the Statistician may, by notice in writing delivered to the respondent, require the respondent to supply the information originally required or to clarify the information supplied, as the case may be.]

(4B) The respondent to whom a notice under subsection (4A) of this section is delivered shall supply the information or provide clarification of or such explanation with reference to the information supplied, as the case may be, in such manner as may be required by the notice.]

(5) If the Statistician publishes by advertisement in the Gazette, and in such newspapers as may appear to the Statistician to be sufficient for notifying the persons concerned, a list of any classes or descriptions of undertakings in relation to which returns will be required for the purposes of a particular census under this Act, it shall be the duty of the person in charge of each undertaking of any such class or description as aforesaid, who has not received a schedule under section 30 of this Act, to inform the Statistician within such period, being not less than 21 days after the date of publication of the advertisement, as may be specified therein, that such an undertaking as aforesaid exists, and to give the Statistician such prescribed particulars of the undertaking as may be so specified.

Cf. 1955, No. 45, s.16

Status Compendium

Hist. s.31 (4A) & (4B) inserted by s.8 of the Statistics Amendment Act 1982.

32. Furnishing of information required in schedules—Every person from whom particulars for the purposes of any statistical inquiry may lawfully be required pursuant to this Act shall, to the best of his knowledge, when required so to do by the Statistician, or by any employee of the Department authorised in writing by or on behalf of the Statistician, fill in and supply, in accordance with the

instructions contained in or accompanying or having reference to any schedule, the particulars specified in that schedule, and, where the form of the schedule contains any certificate or declaration by the person filling in the schedule, shall complete and sign that certificate or declaration in accordance with those instructions.

Cf. 1955, No. 45, s.12

33. Questions asked by Statistician to be answered—Every person who can be lawfully required to provide information pursuant to this Act shall, for the purpose of providing that information, to the best of his knowledge and belief, answer all questions asked him by the Statistician, or by any employee of the Department authorised in writing by or on behalf of the Statistician.

Cf. 1955, No. 45, s.13

34. Completion of schedules by New Zealand agents of overseas traders carrying on business in New Zealand—The provisions of this Act relating to the filling in, signing, and returning to the Department of schedules and the answering of questions shall, in the case of a person residing outside New Zealand or a corporation incorporated outside New Zealand and in either case carrying on business in New Zealand, be complied with by the manager, attorney, or other agent of that person or corporation in New Zealand.

Cf. 1955, No. 45, s.17

[35. Right of entry]—(1) Subject to subsections (2) and (3) of this section, for the purpose of making any inquiries or observations necessary for obtaining the statistics to be collected under the authority of this Act, the Statistician, or any employee of the Department authorised in writing by him, may—

- (a) At any reasonable time enter any factory, farm, mine, workshop, office, or place of business, whether carried on solely by the occupier or otherwise, and may inspect any part of the premises, any goods which are being stored or offered for sale, and any books of account, vouchers, documents, or other business records; and
- (b) Require any person who, by reason of his office, would normally be expected to have the custody of any books of account, vouchers, documents, or other business records to produce the same for inspection within 48 hours or such longer period as may be specified in the requisition at the time it is made.

(2) The Statistician and any employee of the Department authorised in writing by him as aforesaid shall not exercise any of the powers conferred by subsection (1) of this section unless—

- (a) The occupier of the factory, farm, mine, workshop, office, or place of business consents to the entry and inspection, or the person who, by reason of his office, would normally be expected to have the custody of any such books of account, vouchers, documents, or other business records, consents to their production; or
- (b) The Statistician or the employee of the Department obtains a warrant authorising him to exercise those powers in accordance with subsection (3) of this section.

(3) Where any District Court Judge or Justice is satisfied, on application in writing made on oath, that there is reasonable ground for believing that it is necessary for the purpose of making any inquiries or observations necessary for obtaining the statistics to be collected under the authority of this Act for the Statistician or any employee of the Department authorised in writing by him to exercise, in relation to any factory, farm, mine, workshop, office, or place of business any of the

powers conferred by subsection (1) (a) of this section or in relation to any person any of the powers conferred by subsection (1) (b) of this section, he may, by warrant under his hand, authorise the Statistician or any such employee of the Department to exercise those powers in relation to that factory, farm, mine, workshop, office, or place of business or in relation to that person, as the case may require.

(4) Every warrant issued under subsection (3) of this section shall authorise the person named in the warrant—

- (a) At any reasonable time to enter any factory, farm, mine, workshop, office, or place of business, whether carried on solely by the occupier or otherwise, and inspect any part of the premises, any goods which are being stored or offered for sale, and any books of account, vouchers, documents, or other business records; and
- (b) Require any person who, by reason of his office, would normally be expected to have the custody of any books of account, vouchers, documents, or other business records to produce the same for inspection within 48 hours or such longer period as may be specified in the requisition at the time it is made.

(5) Every such warrant shall continue in force until the purpose for which it was granted has been satisfied.

(6) The Statistician or any employee of the Department authorised in writing by the Statistician to exercise any of the powers conferred by paragraphs (a) and (b) of subsection (1) of this section shall—

- (a) In the case of the exercise of the powers conferred by subsection (1) (a) of this section (except where those powers are exercised pursuant to a warrant issued under subsection (3) of this section)—

- (i) Give to the occupier thereof reasonable notice of his intention to enter the factory, farm, mine, workshop, office, or place of business, which notice shall include the purpose for which and the time at which it is proposed to enter and particulars of the statutory authority for the exercise by the Statistician or the employee of the Department of the right of entry and inspection; and

- (ii) At the time of entry and, if he is requested to do so, at any subsequent time, produce the authorisation in writing given to that employee by the Statistician; and

- (b) In the case of the exercise of the powers conferred by subsection (1) (b) of this section (except where those powers are exercised pursuant to a warrant issued under subsection (3) of this section)—

- (i) Give to the person required to produce the books of account, vouchers, documents, or other business records particulars of the statutory authority for the exercise by him of that power; and

- (ii) At the time when that power is exercised, produce the authorisation in writing given to that employee by the Statistician; and

- (c) Where those powers are exercised pursuant to a warrant issued under subsection (3) of this section, produce that warrant at the time of the exercise by him of those powers.

(7) Where any person is prosecuted for failure to produce any books of account, vouchers, documents, or other business records when required to do so under paragraph (b) of subsection (1) of this section, it shall be a defence to prove that he did not have the custody of the same at the time of the requisition and did not subsequently acquire the custody thereof.]

Cf. 1975, No. 1, s.35

36. Test purchases—Where necessary to determine precisely the specifications of goods the price or description of which is material to the exercise of his duties under this Act, the Statistician may make test purchases of the goods.

[37. Security of information]—(1) Information furnished to the Statistician under this Act shall only be used for statistical purposes.

(2) No person other than an employee of the Department who has made the statutory declaration specified in section 21 of this Act shall be permitted to see any individual schedule or any answer to any question put under this Act except for the purposes of a prosecution or a proposed prosecution under this Act.

(3) No information contained in any individual schedule and no answer to any question put for the purposes of this Act shall, except for the purposes of a prosecution or a proposed prosecution under this Act, be separately published or disclosed to any undertaking or to any person not being an employee of the Department who has made the statutory declaration specified in section 21 of this Act.

(4) All statistical information published by the Statistician shall be arranged in such a manner as to prevent any particulars published from being identifiable by any person (other than the person by whom those particulars were supplied) as particulars relating to any particular person or undertaking, unless—

(a) That person or the owner of that undertaking has consented to their publication in that manner, or has already permitted their publication in that manner; or

(b) Their publication in that manner could not reasonably have been foreseen by the Statistician or any employee of the Department.

(5) For the purposes of subsection (4) of this section the Statistician shall make such office rules as he considers necessary.

(6) Subsections (2) and (3) of this section apply notwithstanding any provision contained in the Customs Act 1966, the [Tax Administration Act 1994] or any other Act.

Hist. s.37 (6) omitted words "Inland Revenue Department Act 1974" and substituted words "Tax Administration Act 1994" on 1 April 1995, and applies as from 1995-96 income year by 1994, No. 164, s.YB 1.

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

[37A. Statistician authorised to disclose certain information]—Notwithstanding section 37 of this Act, the Statistician may disclose the following information—

(a) Information supplied by a person or undertaking in respect of which disclosure is consented to in writing by the person, or a competent officer of the undertaking, who or which supplied it;

(b) Information available to the public under any Act or public document;

- (c) Information in the form of an index or list of the names and addresses of individual undertakings, together with the industrial classification allotted to them and the number of persons engaged;
- (d) Details of external trade, movement of ships, and cargo handled at ports;
- (e) With the approval of the Minister, such particulars respecting individual fire, accident, and life insurance offices as are desirable in the public interest, not being information received through the Inland Revenue Department;
- (f) Information supplied by a local authority.

Status Compendium

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

[37B. Disclosure of information collected jointly]—Notwithstanding section 37 of this Act, particulars of any information collected jointly with a Government Department, local authority, or statutory body (whether corporate or unincorporated), pursuant to an agreement under section 9 of this Act and information collected under any enactment other than this Act and processed by the Department may be disclosed to that Government Department, local authority, or statutory body, and a completed or partly completed schedule obtained or an answer to any question put in the course of a joint collection, may be disclosed to any employee of that Government Department, local authority, or statutory body who has made a statutory declaration similar to the declaration of secrecy prescribed by section 21 of this Act.

Status Compendium

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

[37C. Disclosure of individual schedules to other Government Departments for bona fide research or statistical purposes]—(1) Notwithstanding section 37 of this Act, the Statistician may disclose individual schedules to any officer of another Government Department solely for bona fide research or statistical purposes pursuant to the functions and duties of that Government Department.

(2) No individual schedule shall be disclosed pursuant to this section unless—

- (a) The name and address of the person or undertaking by whom the schedule was supplied is deleted; and
- (b) Every person involved in the research or statistical project makes a statutory declaration similar to the declaration of secrecy prescribed by section 21 of this Act; and
- (c) The Statistician is satisfied that the security of the schedules and any information contained in them will not be impaired.

(3) The published results of any such research or statistical project shall not divulge any more information than the Statistician could publish under this Part of this Act.

(4) Every officer of a Government Department to whom any individual schedule is disclosed pursuant to this section, and that Government Department, shall comply with any directions given by the Statistician relating to the schedule and the information contained in it.

Status Compendium

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

[37D. Disclosure of historical documents]—Notwithstanding section 37 of this Act, documents relating to individual schedules which have been the subject of an agreement between the Statistician and the Chief Archivist and classified as historical documents may be released to the Archivist by the Statistician after a period of 100 years.

Status Compendium

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

[37E. Security of recorded information]—In respect of the statistical information which the Statistician collects pursuant to this Act, where such information from individual schedules, worksheets, or any other confidential source is to be copied or recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for the processing, storage, or reproduction of particulars, the Statistician is hereby empowered to take and shall take such steps as are necessary to ensure that the security provisions in this Act are complied with.

Status Compendium

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

[37F. Power of Statistician to release information to New Zealand Meat Producers Board and New Zealand Wool Board]—(1) For the purposes of this section,—

"Farmer" means a person owning not less than 100 sheep, or owning not less than 100 cattle carried exclusively for the purposes of beef production:

"Meat Board" means the New Zealand Meat Producers Board established under the Meat Export Control Act 1921-22:

"Wool Board" means the New Zealand Wool Board established under section 4 of the Wool Industry Act 1977:

"Wool grower" means a person carrying on business as a sheep farmer and owning not less than 100 sheep.

(2) Notwithstanding section 37 of this Act, but subject to subsection (3) of this section, the Statistician is authorised—

(a) To supply, from time to time, to the Meat Board an index or list of the names and addresses of farmers; and

(b) To supply, from time to time, to the Wool Board an index or list of the names and addresses of wool growers

(3) Disclosure, pursuant to subsection (2) of this section, of the name and address of any farmer or wool grower may take place only where—

(a) The schedule completed by that farmer or wool grower—

(i) States that the Statistician is authorised in accordance with this section to disclose the name and address of any person as a farmer or wool grower unless that person objects in the manner prescribed by the schedule or in writing to such disclosure; and

- (ii) States the purposes for which any information disclosed under this section may be used; and
- (b) That farmer or wool grower does not object in the manner prescribed by the schedule or in writing to the disclosure of his name and address.
- (4) The Meat Board shall use the index or list supplied to it under subsection (2) (a) of this section only—
 - (a) For any of the purposes of regulations that prescribe the method of election of the members of the Meat Board who are appointed as representatives of producers of meat for export and who are so appointed under section 2 (2) (b) of the Meat Export Control Act 1921-22; or
 - (b) For the purposes of distributing to the farmers named in the index or list copies of the annual report and other publications of the Meat Board.
- (5) The Wool Board shall use the index or list supplied to it under subsection (2) (b) of this section only—
 - (a) For any of the purposes of regulations that prescribe the method of election of the directors of the Wool Board who represent the wool growers of New Zealand and who are appointed under section 4 (2) (a) of the Wool Industry Act 1977; or
 - (b) For the purposes of distributing to the wool growers named in the index or list copies of the annual report and other publications of the Wool Board.
- (6) Every person commits an offence who, being a person who has received an index or list supplied to the Meat Board or the Wool Board under subsection (2) of this section for any of the purposes referred to in subsection (4) or subsection (5) of this section, delivers that index or list to any other person for a purpose not connected with those purposes or uses any information acquired by him from that index or list for a purpose not connected with those purposes.]

{ Editorial Note: Re information stored on the Wanganui computer, see s.27 (4) of the Wanganui Computer Centre Act 1976. }

Status Compendium

Hist. s.37 - s.37F were substituted for the original s.37 (as variously amended) by s.7 (1) of the Statistics Amendment Act 1985.

38. Information is privileged—Except in respect of a prosecution under this Act, no return made pursuant to this Act and no copy of a schedule or return in the possession of the respondent shall be disclosed or used as evidence in any proceedings whatever, and no person who has completed a statutory declaration under section 21 of this Act shall be compellable in any proceedings whatever to give oral testimony regarding the return or to produce any return, document, or record with respect to any information obtained in the course of administering this Act, except in the manner provided by this Act.

PART V

OFFENCES AND PENALTIES

39. Repealed by s.8 of the Statistics Amendment Act 1985.

40. Omission to carry out duty, false declaration, unlawful information, and improper divulging of information—Every person employed in the execution of any duty or the exercise of any power or function under this Act commits an offence who,—

- (a) After having taken the prescribed statutory declaration, omits (without lawful excuse) to carry out his duty under this Act, or knowingly makes any false declaration, statement, or return touching any such matter; or
- (b) In the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not duly authorised to obtain; or
- (c) Knowingly fails to keep inviolate the secrecy of the information gathered or entered on the schedules collected by the Statistician pursuant to this Act and, except as allowed by this Act, divulges the contents of any schedule filled in or any information furnished to the Statistician under this Act.

Cf. 1955, No. 45, s.27

41. Obstruction of employees of Department—Every person commits an offence who interferes with, hinders, or obstructs the Statistician or any employee of the Department in the exercise of any power conferred by this Act.

Cf. 1955, No. 45, s.28

42. Impersonation of employees of the Department—Every person commits an offence who, not being an employee of the Department, by words, conduct, or demeanour, pretends that he is an employee of the Department or assumes the name, designation, or description of an employee of the Department.

Cf. 1955, No. 45, s.29

43. Neglect or refusal to supply particulars—(1) Every person commits an offence who fails to produce any books of account, vouchers, documents, or other business records when lawfully required so to do, or who neglects or refuses to fill in and supply the particulars required in any schedule lawfully left with or sent to him, or who neglects or refuses to answer any question or inquiry lawfully addressed to him by the Statistician, or by an employee of the Department authorised in writing by the Statistician, and is liable on summary conviction to a fine not exceeding [\$500] or, in the case of a body corporate, to a fine not exceeding [\$2,000].

(2) The conviction of any person of an offence against subsection (1) of this section or against this subsection in relation to his failure to produce any books of account, vouchers, documents, or other business records, or to his neglect or refusal to fill in and supply any particulars required in any such schedules or to answer any such question or inquiry, shall not relieve him of his obligation to supply such books of account, vouchers, documents, or other business records, or to fill in and supply the particulars or to answer the question or inquiry; and if, after the expiration of 14 days from the date of the conviction, he still has failed to produce the books of account, vouchers, documents, or other business records lawfully requested, or he continues to neglect or refuse to fill in and supply the particulars or to answer the question or inquiry, he commits a further offence and is liable on summary conviction in respect of each day after the expiration of those 14 days to a fine not exceeding [\$20] or, in the case of a body corporate, to a fine not exceeding [\$80].

[(2A) Any obligation imposed on any person to produce any books of account, vouchers, documents, or other business records when lawfully required to do so, or to fill in and supply the particulars required in any schedule lawfully left with or sent to him, or to answer any question or

inquiry lawfully addressed to him by the Statistician, or by an employee of the Department authorised in writing by the Statistician, being an obligation required to be performed at or within a specified or particular time, shall be deemed to be a continuing obligation to produce such books of account, vouchers, documents, or other business records, or to fill in and supply any particulars required in any such schedule, or to answer any such question or inquiry, notwithstanding that the obligation has not been performed at or within that time.]

(3) No person who objects to state the religious denomination or sect to which he belongs shall commit an offence by refusing to supply that information if he inserts or causes to be inserted in the space on the schedule provided for the information the word "Object".

(4) Except with the prior approval of the Statistician, a reference in the response to any schedule to any other document from which the required information can be obtained shall be deemed not to be a compliance with the provisions of this section.

Cf. 1955, No. 45, s.30

Status Compendium

Hist. s.43 (1) omitted expressions "\$250" and "\$1,000" and substituted expressions "\$500" and "\$2,000", respectively, by s.11 (1) (a) & (b) of the Statistics Amendment Act 1982.

Hist. s.43 (2) omitted expressions "\$10" and "\$40" and substituted expressions "\$20" and "\$80" respectively, by s.11 (2) (a) & (b) of the Statistics Amendment Act 1982.

Hist. s.43 (2A) inserted by s.11 (3) of the Statistics Amendment Act 1982.

44. False statement—Every person commits an offence who knowingly makes, in any schedule filled in or supplied pursuant to this Act, or in answer to any question asked him under the authority of this Act, any false or misleading statement or any material omission.

Cf. 1955, No. 45, s.31

45. Mutilation or defacement of schedules—Every person commits an offence who, without lawful excuse, destroys, defaces, removes, or mutilates any schedule, form, or other document containing particulars collected under this Act or requesting any such particulars.

Cf. 1955 No. 45, s.32

46. Other offences—Every person commits an offence who—

(a) Without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of this Act or any requirement imposed under this Act; or

(b) Wilfully deceives or attempts to deceive the Statistician or any employee of the Department in the exercise of any powers, duties, or functions under this Act.

Cf. 1955, No. 45, s.33

[46A. Evidence in proceedings for offences—In any proceedings for an offence against any of the provisions of this Act, a certificate in writing signed by the Statistician certifying—

(a) That, pursuant to section 6 of this Act, the Minister has approved the commencement or commissioning of any statistical survey, or the making of a substantial alteration to an already existing survey, or has waived or relaxed the duty under section 6 (1) of this Act in respect of a Government Department, as the case may be; or

(b) That, pursuant to section 14 (d) of this Act, the Minister has approved the collection of information concerning any or all of the matters specified in section 4 of this Act,—

shall, in the absence of proof to the contrary, be sufficient evidence that pursuant to section 6 of this Act, the Minister has approved the commencement or commissioning of any statistical survey, or the making of a substantial alteration to an already existing survey, or has waived or relaxed the duty under section 6 (1) of this Act in respect of a Government Department, as the case may be, or that pursuant to section 14 (d) of this Act, the Minister has approved the collection of information concerning any or all of the matters specified in section 4 of this Act.]

Status Compendium

Hist. s.46A inserted by s.12 of the Statistics Amendment Act 1982.

47. General penalty—Every person who commits an offence against this Act for which no penalty is prescribed elsewhere than in this section is liable on summary conviction to a fine not exceeding [\$500] or, in the case of a body corporate, not exceeding [\$2,000].

Status Compendium

Hist. s.47 omitted expressions "\$250" and "\$1,000" and substituted expressions "\$500" and "\$2,000", respectively, by s.13 (a) & (b) of the Statistics Amendment Act 1982.

PART VI MISCELLANEOUS PROVISIONS

48. Time within which information may be laid—Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of an offence against this Act may be laid at any time within 12 months from the time when the matter of the information arose.

Cf. 1955, No. 45, s.35

49. Regulations and Orders in Council—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing kinds of statistics for which information may be required at any census of population and dwellings under Part III of this Act or for the purposes of any inquiry under this Act;
 - (b) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.
- (2) The Governor-General may from time to time, by Order in Council, do all or any of the following things:
- (a) Declare any agency of the Executive Government of New Zealand to be a Government agency for the purposes of this Act;
 - (b) Provide for such matters as are contemplated by or necessary for giving effect to the provisions of this Act.

50. Repeal and revocations—

- (1) The Statistics Act 1955 is hereby repealed.
- (2) The regulations specified in the Schedule to this Act are hereby revoked.

일본 통계법규

◇일본의 통계법규◇

통 계 법

1947. 3. 26. 법률 18호

개정 1991. 법률 23호

개정 1999. 7. 16. 법률 87호(미)

제1조(목적) 이 법률은 통계의 진실성 확보, 통계조사의 중복 제거, 통계체계의 정비 및 통계제도의 개선발전을 도모하는 것을 목적으로 한다.

제2조(지정통계) 이 법률에서 지정통계라 함은 정부 또는 지방공공단체가 작성하는 통계 또는 타기관에 위탁하여 작성하는 통계로서 總務廳長官이 지정하여 그 취지를 공시한 통계를 말한다.

제3조(지정통계조사) ① 지정통계를 작성하기 위한 조사(이하 지정통계조사라 함)는 이 법률에 의해 행하는 것으로서 타 법률의 규정을 적용하지 않는다.

② 이 법률로 정하는 것 이외, 지정통계조사에 대하여 필요한 사항은 명령(지방공공단체의 장 또는 교육위원회가 정한 규칙을 포함)에서 이를 정한다.

③ 주무대신이 전항의 규정에 의한 명령을 제정, 개정 또는 폐지하려고 할 때에는 사전에 總務廳長官과 협의해야 한다. 지방공공단체의 장 또는 교육위원회가 전항의 규칙을 제정, 개정 또는 폐지하려고 할 때에도 또한 같다.

제4조(國勢調査) ① 정부가 일본영토 내에서 거주하고 있는 자로서 政令에서 정한 자를 대상으로 실시하는 인구에 관한 전수조사로서 總務廳長官이 지정, 그 취지를 공시하는 것을 國勢調査라고 한다.

② 國勢調査는 10년마다 실시해야 한다. 단, 國勢調査를 실시한 해로

부터 5년째가 되는 해에는 簡易한 방법에 따른 國勢調査를 실시하는 것으로 한다.

③ 總務廳長官이 필요하다고 인정한 경우에는 전항의 기간 중간에 임시 國勢調査를 실시할 수 있다.

제5조(신고의무) ① 정부, 지방공공단체장, 교육위원회는 지정통계조사를 위해 개인 또는 법인에 대해 신고를 명할 수 있다.

② 전항의 규정에 따라 신고의 命을 받은 자가 영업에 관한 미성년자와 동일 능력이 없는 미성년자 혹은 금치산자인 경우, 또는 법인인 경우에는 그 법정대리인 또는 理事, 타 법령의 규정에 따라 법인을 대표하는 자가 본인을 대신하거나 본인을 대표하여 신고하는 의무를 지닌다.

제6조(삭제) 1952년 7월 법률 260호

제7조(지정통계조사의 승인 및 실시) ① 지정통계조사를 실시하려고 할 경우 조사 실시자는 조사에 관한 다음 각호에 대하여 사전에 總務廳長官의 승인을 얻어야 한다. 단, 제16조 단서의 규정에 의한 경우에는 제3호의 사항은 제외한다.

1. 목적, 사항, 범위, 기일 및 방법

2. 집계사항 및 집계방법

3. 결과공표의 방법 및 기일

4. 관계서류의 보존기간 및 보존책임자

5. 경비의 概算, 기타 總務廳長官이 필요하다고 인정하는 사항

② 전항의 승인을 얻은 후 조사를 중지하거나 승인을 얻은 사항을 변경할 때에는 다시 總務廳長官의 승인을 얻어야 한다.

③ 總務廳長官이 필요하다고 인정할 때에는 관계 각 행정기관 혹은 지방공공단체장, 교육위원회에 대해 지정통계조사의 실시, 변경 또는 중지를 요구할 수 있다.

제8조(지정통계조사 이외의 통계조사) ① 지정통계조사 이외의 통계

조사를 실시할 경우에 조사 실시자는 그 조사에 관하여 전조 제1항1호에 관한 사항을 總務廳長官에게 신고해야 한다. 단, 統計報告調整法(1952년 법률제148호)에 따라 總務廳長官의 승인을 받은 경우는 제외한다.

② 전항의 규정에 따라 신고해야 할 통계조사의 범위 및 기타 사항에 대해서는 명령으로 이를 정한다.

③ 總務廳長官이 필요하다고 인정할 때에는 관계 각 행정기관 혹은 지방공공단체의 장, 교육위원회에 대해 지정통계조사 이외의 통계조사 변경 또는 중지를 요구할 수 있다.

제9조(지정통계조사의 사무감사) 總務廳長官이 필요하다고 인정할 때는 관계 각 행정기관장 또는 기타의 자가 실시하는 지정통계조사 실시의 사항을 감사하거나, 개선의 필요가 있다고 인정될 때는 의견을 內閣總理大臣에게 신청하거나 이들에 대하여 그 개선을 권고할 수 있다.

제10조(統計官 및 統計主事) ① 總理府 및 각省의 내부에 統計官을 둘 수 있다.

② 都道府縣 및 市町村(特別市 포함)에 統計主事を 둘 수 있다.

③ 統計官 및 統計主事は 상관의 명을 받아 지정통계조사 및 그 외 통계조사에 관한 전문적 기술사무에 종사한다.

④ 統計官은 總理府事務官, 각省 事務官, 총리부기관 혹은 각省 기관 또는 이에 상응하는 정령으로 정한 직원(이하 이 항에서 『국가공무원』이라 함)으로 다음 각호의 자격을 소지한 자 중 제1항에서 정하는 행정기관長(外局의 長 포함)이 임명하고, 統計主事は 지방자치법(1947년 법률 제67호)제172조제1항에서 규정하는 직원 또는 지방교육행정조직 및 운영에 관한 법률(1956년 법률 제162호)제19조에서 규정하는 사무직원 혹은 기술직원(이하 본항에서 ‘지방공무원’이라 함)으로서 다음 각 호에 해당하는 자격을 소지한 자 중 지방공공단체長 또는 교육위원회가 임명한다.

1. 통계조사에 관한 사무로 국가공무원 또는 지방공무원의 경력을 함

산하여 2년 이상 종사한 자

2. 학교교육법(1947년 법률 제26호) 또는 舊大學令(1918년 勅令 제388호)에 의한 대학에서 통계학 또는 수학을 이수하고 졸업한 자
3. 학교교육법에 의한 고등전문학교, 舊전문학교령(1903년 勅令 제61호)에 의한 전문학교 또는 文部大臣이 이와 동등하다고 인정한 학교에서 통계학 또는 수학을 이수하고 졸업한 자
4. 總務廳長官이 지정한 통계직원 양성기관 혹은 통계강습회의 과정을 수료한 자, 또는 별도로 정한 통계에 관한 국가시험에 합격한 자
5. 상기의 자격 외에 總務廳長官이 통계조사에 종사하는데 적당한 자격이 있다고 인정한 자

제11조(總務廳長官이 실시하는 통계조사) ① 總務廳長官이 실시하는 통계조사에 대해서는 제7조제3항 및 제8조제3항의 규정을 적용하지 않는다.

② 전항에서 정하는 사항 이외에 總務廳長官이 실시하는 통계조사에 대한 이 법률의 적용에 관해서는 제9조 중 『각 관계 행정기관장 또는 기타의 자가 실시하는 지정통계조사』로 되어있는 것을 『지정통계조사』로 하고, 『의견을 內閣總理大臣에게 제출, 또는 이들에 대하여 그 개선을 권고할 수 있다』로 되어 있는 것은 『그 개선을 도모하는 것으로 한다』로 한다.

제12조(통계위원회) ① 정부, 지방공공단체장 또는 교육위원회는 지정 통계조사를 위하여 필요한 때에는 통계위원회를 둘 수 있다.

② 통계위원회에 관한 사항은 명령(지방공공단체장 또는 교육위원회가 정한 규칙 포함)에서 이를 정한다.

제13조(실지조사) 統計官, 統計主事, 기타 지정통계조사에 관한 사무에 종사하는 자 및 통계조사원은 지정통계조사를 위하여 필요한 장소에 출입하여 사전에 總務廳長官의 승인을 얻은 사항에 대해 검사하고 조사 자료제공을 요구하거나 관계자에 대해 질문을 할 수 있다. 이 경우에는 직무를 나타내는 증표를 제시해야 한다.

제14조(비밀의 보호) 지정통계조사 제8조1항의 규정에 따라 總務廳長官에게 신고한 통계조사(이하 『신고통계조사』라고 한다) 및 統計報告調整法の 규정에 의하여 總務廳長官의 승인을 얻은 통계보고(이하 『보고 징집』이라고 한다)의 결과로 인하여 알려진 개인, 법인 또는 그 외 단체의 비밀에 속하는 사항에 대해서는 그 비밀이 보장되어야 한다.

제15조 ① 어떠한 자도 지정통계를 작성하기 위해 수집된 조사표를 통계 목적 이외로 사용해서는 안된다.

② 전항의 규정은 總務廳長官의 승인을 얻어 사용목적을 공시한 것에 대해서는 이를 적용하지 않는다.

제15조의 2 ① 어떠한 자도 신고통계조사(지방공공단체가 실시하는 것을 제외. 다음 조에도 동일)에 의해 수집된 조사표 및 보고징집으로 얻어진 통계보고(統計報告調整法 제4조2항으로 규정한 신고서에 기입된 통계를 작성하기 위해 쓰는 사항에 관계된 부분에 한함)를 통계목적 이외로 사용해서는 안된다.

② 전항의 규정은 신고통계조사 또는 보고통계 실시자가 피조사자나 보고를 요구받은 자를 식별할 수 없게 하는 방법으로 조사표와 또는 통계보고를 사용하거나 사용시키는 것을 방해하는 것은 아니다.

제15조의 3(조사표 등의 관리) 지정통계조사, 신고통계조사 및 보고징집 실시자는 통계조사에 의하여 수집된 조사표, 보고징집에 의하여 얻어진 통계보고, 기타 관계서류를 적정하게 보관하기 위하여 필요한 조치를 강구해야 한다.

제15조의 4(지방공공단체의 책무) 지방공공단체는 신고통계조사에 의하여 수집된 조사표, 기타 관계서류의 적정한 사용 및 보관에 힘써야 한다.

제16조(결과의 공표) 지정통계조사의 결과는 신속하게 공표해야 한다.
단, 總務廳長官의 승인을 얻은 경우에는 공표하지 않을 수 있다.

제16조의 2(자료등의 제출 및 설명의 요구) 總務廳長官은 이 법률 실시
시에 관하여 필요하다고 인정할 때에는 각 행정기관장 또는 기타의
자에 대하여 자료, 보고의 제출 및 설명을 요구할 수 있다.

제17조(지정통계조사의 실시에 대한 협력) 지정통계조사의 실시자가
그 지정통계조사를 실시하는데 있어서 필요하다고 인정할 때에는 관
계 행정기관의 長 또는 기타의 자에 대하여 조사, 보고, 기타 협력을
요구할 수 있다.

제18조(지정통계조사에 관한 사무의 위임) 정부는 政令이 정하는 바
에 따라 지정통계조사에 관한 사무의 일부를 지방자치단체의 長 또는
교육위원회에 위임할 수 있다.

제18조의 2(권한의 위임) 總務廳長官은 政令에서 정하는 바에 따라
제2조 및 제7조로 정한 권한을 總務廳에서 통계에 관한 사무를 관장
하는 직에 있는 자에게 政令에서 정하는 바에 따라 위임할 수 있다.

제19조(벌칙) 다음 각호의 1에 해당하는 자는 1개월이하의 징역, 금고
또는 10만엔 이하의 벌금에 처한다.

1. 제5조의 규정에 따라 신고의 명을 받았을 경우 신고를 하지 않거나 허위신고를 한 자
2. 제5조의 규정에 따라 신고의 명을 받았을 경우 조사를 방해한 자
3. 제13조의 규정에 의한 검사를 거절, 방해 혹은 기피하고 조사자료를 제공하지 않거나 또는 허위조사자료를 제공 또는 질문에 대해 허위진술한 자
4. 지정통계조사 사무에 종사하는 자 또는 기타의 자로서 지정통계조사 결과를 진실에 반하는 것으로 만드는 행위를 한 자

제19조의 2 ① 統計官, 統計主事 기타 지정통계조사에 관한 사무에 종사하는 자, 통계조사원 또는 이 직에 있었던 자가 그 직무로 인하여 알게된 개인, 법인 또는 기타 단체의 비밀에 속하는 사항을 타인에게 누설 또는 도용했을 때에는 1년 이하의 징역 또는 10만원 이하의 벌금에 처한다.

② 전항의 자가 總務廳長官의 승인을 얻은 경우 이외의 집계된 결과를 제7조의 규정에 따라 정해진 공표기일 이전에 타인에게 누설하거나 도용했을 경우에는 10만원 이하의 벌금에 처한다.

③ 직무상 전2항의 사항을 알게된 제1항에 규정한 자 이외의 공무원 또는 공무원이었던 자가 동항의 행위를 하였을 경우에도 동항의 예에 의한다.

제20조(부칙), 제21조, 제22조 생략

제23조 이 법률 시행후 3개월 이내에 행하는 지정통계조사에 대해서는 통계위원회가 승인한 경우에 한해서 제7조의 규정에 따른 승인을 얻지 않고 실시할 수 있다.

통계법시행령

제1조(지정통계의 고시) 통계법(이하 『법』이라 한다) 제2조의 규정에 의한 지정의 공시는 총무청 고시로써 실시한다.

2. 조사실시자는 전항의 규정에 의해 공시된 지정통계를 작성하기 위한 조사표에 공시된 지정번호 및 지정통계의 명칭을 기재하여야만 한다.

제1조의 2(정령으로 정하는 직원) 통계관에 관계되는 법 제10조 제4항에 규정하는 정령으로 정해진 직원은 노동기준법(1947년 법률 제49호) 제90조에 규정한 노동기준감독관으로 한다.

제2조(통계직원 양성기관등의 지정) 법 제10조 제4항 제4호의 규정에 따른 지정은 총무청고시로 공시한다.

제3조(통계조사원의 의무) 법 제12조에 정한 통계조사원은 각 행정기관 혹은 지방공공단체장 또는 교육위원회의 감독을 받아 지정통계의 조사표배부 및 수집 기타 지정통계조사에 관한 사무에 종사한다.

제4조(실지조사 사항) 법 제3조 제2항의 규정에 근거하여 정한 명령(지방공공단체장 또는 교육위원회가 정한 규칙을 포함)에는 법 제13조 규정에 의해 총무청장관의 승인을 얻은 사항을 명기하여야만 한다.

제5조(실지조사 증표) 법 제13조의 규정에 의한 증표는 조사실시자가 교부하는 것으로서 별지양식에 의해 교부하는 것으로 한다.

제6조(조사표의 목적이외 사용의 승인고시) ① 법 제15조 제2항의 규정에 의한 공시는 총무청고시에 의해 실시한다.

② 전항의 고시에는 총무청장관이 승인한 지정통계의 명칭, 조사표의

사용목적 및 조사표 사용자의 범위를 명시하여야 한다.

제7조(결과의 공표방법등) ① 법 제16조의 규정에 의한 공표는 관보 기타 간행물로 이루어진다. 단, 지정통계조사의 결과중 다음 각호의 해당사항에 대해서도 총무청장관이 따로 정하는 바에 의해 전자계산 기용 테이프등에 기록한 것을 지면 또는 영상으로 표시하여 이것을 이용자에게 열람하도록 하는 방법으로 할 수 있다.

1. 이용자의 범위등을 작성하여 관보 기타 간행물로 공표하는 것이 적당하지 않다고 인정되는 것

2. 관보 기타 간행물로 공표하기에는 오랜 기간을 요한다고 인정하는 것(전호에 해당하는 것을 제외)

② 전항 제2호에 해당하는 지정통계조사의 결과에 대하여(단, 문서로 규정하는 방법에 의해 공표한 경우) 조사실시자는 상당 기간 내에 해당 결과를 관보에 게재하거나 해당 결과에 관한 관보 이외의 간행물을 발간하여야 한다.

③ 조사실시자는 각호에 해당하는 경우에 지체없이 각호에 열거된 사항을 총무청장관에게 보고하여야 한다.

1. 관보이외의 간행물로 공표한 경우 또는 전항의 규정에 근거하여 관보이외의 간행물을 발간한 경우 지정통계의 명칭과 간행물의 명칭 및 발행 일자

2. 제1항 단, 문서로 규정한 방법으로 공표한 경우 지정통계의 명칭 열람기간 및 장소와 아울러 공표에 관계되는 집계사항

④ 총무청장관은 전항의 규정에 의해 보고받은 사항을 관보에 고시하여야 한다.

제8조(지방공공단체장 또는 교육위원회에 위임하는 사무) 법 제18조의 규정에 의하여 정부가 지방공공단체장 또는 교육위원회에 위임할 수 있는 사무는 신고의무자의 결정, 통계조사원의 지휘감독, 조사구의 설정, 조사표 배부, 수집, 심사 및 집계, 지정통계조사의 결과 공표, 조사표 기타 관계서류의 작성보관 및 송부와 지정통계 조사의 실시에 따른 사무로 한다.

제9조(권한의 위임) 법 제2조 및 제7조에 규정하는 총무청장관의 권한은 총무청통계국장이 실시한다.

통계보고조정법

제1조(목적) 이 법률은 통계보고의 수집방법, 보고양식 기타 통계보고의 수집에 대해 필요한 조정을 행함으로써 통계보고작성에 수반되는 부담을 경감함과 동시에 행정사무의 능률화를 도모하는 것을 목적으로 한다.

제2조(법률의 운용) 총무청장관은 이 법률의 운용에 있어서 관계 행정기관의 권한을 부당하게 침해하지 않도록 유의하고 주로 통계차원에서 통계보고의 수집에 대해 조정을 행하여야 한다.

제3조(정의) ① 『통계보고』라 함은 국가행정기관(국가행정조직법(1948년 법률 제120호) 제3조2항에서 규정하는 국가행정기관을 말한다. 이하 『행정기관』이라 함)이 직접 또는 지방공공단체의 기관을 통하여 다음에 해당하는 자로부터 일정한 시점 또는 기간에 대해 보고받은 자로서 그 결과의 전부 또는 일부가 통계를 작성하는 데 사용되는 것을 말한다.

1. 개인 또는 법인, 기타 단체(지방공공단체 및 정령으로 정한 법인은 제외, 이하 동일)로서 이들 총수가 10개 이상이 되는 것
2. 정령이 정하는 문교연수시설, 의료갱생시설, 기타 국가행정조직법 제8조2항에서 규정하는 기관 또는 정령으로 정하는 이들에 준하는 지방공공단체의 기관으로서 이들 총수에다 동시에 보고제출을 요구받는 개인 또는 법인, 기타 단체의 총수를 합한 것이 10이상이 되는 것

② 이 법률에서 『보고양식』이라 함은 조사표, 질문서 또는 이들 양식을 말한다.

제4조(통계보고수집에 대한 승인) ① 통계보고를 수집하고자 하는 행정기관의 장은 다음 각호 1에 해당하는 경우를 제외하고는 해당 통계보고의 수집에 대해 총무청장관의 승인을 받아야 한다.

1. 수집방법 및 보고양식이 법률 또는 정령으로 정해져 있는 통계보고의 수집을 실시하고자 할 경우

2. 통계법(1947년 법률 제18호) 제3조에서 규정하는 지정통계조사로서 통계보고를 수집할 경우

② 행정기관의 장은 다음 사항을 기재한 신청서를 총무청장관에게 제출하여야 한다.

1. 해당 행정기관의 명칭
2. 목적
3. 보고사항
4. 보고범위
5. 보고기일 또는 기간
6. 수집방법
7. 수집기간
8. 기타 총무청장관이 필요하다고 인정하는 사항

제6조(승인 또는 불승인 통지) 총무청장관은 통계보고의 수집에 대해 승인할 경우에는 제5조 제2항에 규정하는 기간(이하 『승인기간』이라 함) 및 승인번호를 문서로 해당 행정기관의 장에게 통지해야 한다.

② 총무청장관은 통계보고의 수집에 대해 승인하지 않았을 경우에는 사유서를 첨부한 문서를 해당 행정기관의 장에게 통지하여야 한다.

③ 총무청장관은 제4조 제1항 각호에 규정하는 통계보고의 수집을 행정기관의 장이 희망할 경우에는 그 필요에 따라 해당 통계보고에 승인번호를 부여할 수 있다.

제7조(승인기간 및 승인번호의 명시) 통계보고의 수집에 대해 승인을 받은 행정기관의 장은 해당 보고서양식에 승인기간 및 승인번호를 명시해야 한다.

제8조(통계보고의 수집중지 또는 변경) 행정기관의 장은 해당 통계보고의 수집을 중지하고자 할 경우에는 중지사유를 총무청장관에게 신고해야 한다.

② 행정기관의 장은 해당 통계보고의 수집에 대해 변경하고자 할 경우에는 변경하고자 하는 통계보고 수집에 대해 새로이 총무청장관의

승인을 받아야 한다.

제9조(승인의 변경) ① 총무청장관은 이미 승인한 통계보고의 수집이 제5조 제1항 각호에 규정하는 승인기준에 적합하지 않다고 인정했을 때에는 해당 행정기관의 장에 대하여 해당 통계보고의 수집에 대해 변경을 요구할 수 있다.

② 총무청장관은 행정기관의 장이 전항의 요구에 응하지 않을 경우에는 해당 통계보고의 수집에 대한 승인기간을 단축할 수 있다.

③ 총무청장관은 전항의 규정에 따라 승인기간을 단축했을 경우에는 사유서를 첨부한 문서를 해당 행정기관의 장에게 통지해야 한다.

제10조(통계보고수집의 중지 또는 변경요구) ① 총무청장관은 이 법률 또는 이 법률의 다른 명령규정에 위반하는 통계보고가 수집되고 있다고 인정할 때에는 해당 행정기관의 장에 대하여 해당 통계보고 수집의 중지 또는 변경을 요구할 수 있다.

② 총무청장관은 행정기관의 장이 전항의 요구에 응하지 않을 때에는 내각총리대신에 대해 해당 통계보고의 수집중지 또는 변경에 대해 필요한 조치를 요구할 수 있다.

③ 전항의 이의신청은 통지를 받은 날로부터 30일 이내에 불복사유를 기재한 이의신청서를 내각총리대신에게 제출해야 한다.

④ 내각총리대신은 전항의 신청서를 접수하였을 때에는 이의신청에 이유가 있는가를 결정해야 한다.

⑤ 내각총리대신은 이의신청이 이유가 있다고 결정하였을 때에는 총무청장관에 대하여 적당한 처리를 행하도록 명령해야 한다.

제12조(적용제외) 이 법률의 규정은 행정기관이 정령으로 정하는 사무에 관하여 행하는 통계보고수집에 대해서는 적용하지 아니한다.

제12조의 2(총무청장관이 행하는 통계보고의 수집) ① 총무청장관이 행하는 통계보고수집에 대해서는 제9조 제2항 및 제3항, 제10조 제2항 그리고 제11조의 규정을 적용하지 아니한다.

② 전항에서 정한 것 이외에 총무청장관이 행하는 통계보고수집에 대해서는 다음 각호에서 정하는 바에 따른다.

1. 제6조 제2항 중 『이유를 첨부한 문서』라고 되어 있는 것은 『문서』로 한다.
2. 제9조 제1항 중 『해당행정기관의 장에 대하여 해당 통계보고 수집에 대해 변경을 요구할 수 있다』라고 되어 있는 것은 『해당 통계보고의 수집에 대하여 변경을 행하는 것으로 한다』라고 한다.
3. 제102조 제1항 중 『해당 행정기관의 장에 대하여 해당 통계보고 수집의 중지 또는 변경을 요구할 수 있다』라고 되어 있는 것은 『해당 통계보고의 수집을 중지 또는 변경하는 것으로 한다』라고 한다.

제13조(보고조정관) 이 법률의 실시에 관하여 총무청과 긴밀한 연락을 도모하기 위하여 각 행정기관에 보고조정관을 둘 수 있다.

② 전항의 보고조정관은 해당 행정기관의 장이 임명한다.

제14조(권한의 위임) 총무청장관은 정령이 정하는 바에 따라 제5조, 제6조, 제9조 및 제10조에서 정하는 권한에 대해 통계법 제18조의 2에 규정하는 자에게 위임할 수 있다.

제15조(시행명령) 이 법률의 실시를 위한 절차, 기타 그 집행에 관한 필요한 사항은 정령으로 정한다.

신고를 요하는 통계조사의 범위에 관한 정령

내각은 통계법(1947년 법률 제18호) 제8조 제1항 및 제18조의 규정에 근거하여 이 정령을 제정한다.

제1조(목적) 이 정령은 통계법 제8조 제1항의 규정에 따라 신고를 요하는 지정통계조사 이외의 통계조사에 대해 그 범위 및 신고방법을 정하는 것을 그 목적으로 한다.

제2조(신고를 요하는 통계조사의 범위) 통계법 제8조 제1항의 규정에 따라 신고를 요하는 통계조사와 합은 중앙정부, 都道府縣, 지방자치법(1947년 법률 제67호) 제252조 제1항의 지정도시(이하 『지정도시』라 함), 일본국유철도, 일본은행 및 일본상공회의소가 집계하고 또한 제표하는 것을 목적으로 하여 신고, 보고 또는 자료제출을 요구하는 통계조사로서 都道府縣 또는 지정도시의 지역, 도의 특별구가 존재하는 구역, 또는 2개 이상의 都道府縣의 구역에 걸쳐 행하는 것 그리고 지정도시 이외의 시가 그 시의 구역에 대해 집계하고 제표하는 것을 목적으로 신고, 보고 또는 자료의 제출을 요구하여 행하는 다음의 통계조사를 말한다.

1. 토지에 관한 통계조사
2. 인구, 가구 및 주택에 관한 통계조사
3. 물가 및 생계비(가계비를 포함)에 관한 통계조사
4. 공중위생에 관한 통계조사
5. 고용, 실업 또는 임금에 관한 통계조사
6. 상품의 판매 및 구입액 그리고 기업의 자본액에 관한 통계조사
7. 생산량, 자원 및 동력연료의 소비량, 재고품의 수량에 관한 통계조사

제3조(신고의 방법) 1. 제2조에서 정하는 통계조사를 실시하고자 할 경우에는 사전에 그 취지를 총무청장관에게 신고하여야 한다.

2. 조사실시자는 전항의 규정에 따라 신고한 통계조사를 변경 또는 중지하였을 경우에는 사유를 총무청장관에게 신고하여야 한다.

3. 2항의 규정에 따른 신고의 절차 및 신고서류의 양식은 총무청장관이 정한다.

싱가포르 통계법

THE STATUTES OF THE REPUBLIC OF SINGAPORE

STATISTICS ACT
(CHAPTER 317)

Act
46 of 1973
Amended by
19 of 1986
9 of 1990
A24195

REVISED EDITION 1991

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1991

Statistics Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
 2. Interpretation.
 3. Statistics Department and statistics units.
 4. National statistical co-ordinator.
 5. Power of Chief Statistician, director of research and statistics unit to issue requisition for information.
 6. Power to request information from research and statistics units and other competent authorities.
 7. Disclosure of information.
 8. Impersonation of a statistical officer.
 9. Penalties.
 10. Compounding of offences.
 11. Service of requisition.
 12. Rules and orders.
 13. Amendment of Schedules.
 14. Transitional provision.
- First Schedule — Subject matters.
 Second Schedule — Research and statistics units.
 Third Schedule — Competent authorities.

An Act relating to statistics.

[7th September 1973]

1. This Act may be cited as the Statistics Act. Short title
2. In this Act, unless the context otherwise requires, "requisition" means a requisition issued under section 5. Interpretation.
19/86.
- 3.—(1) This Act shall apply to the Department of Statistics and such other research and statistics units as the Minister may, by notification in the *Gazette*, specify for the purpose of the collection, preparation and publication of statistics relating to any of the subjects specified in the First Schedule. Statistics Department and statistics units.

(2) The Department of Statistics shall be under the control and management of a Chief Statistician and of such other officers as the Minister may appoint.

(3) A research and statistics unit shall be under the control and management of a director and of such other officers as the appropriate Minister responsible for the unit may appoint.

National
statistical
co-ordinator.
9/90.

4.—(1) The Chief Statistician shall be the national statistical co-ordinator 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 utilisation of statistics;
- (c) to develop national statistical standards and standardize definitions, classifications, terms, procedures and concepts for use in statistical activities; and
- (d) to promote the observance of approved national statistical standards by Government departments, Ministries, research and statistics units and statutory bodies.

(2) All research and statistics units specified in the Second Schedule shall comply with the recommendations of the Chief Statistician on any matter specified in subsection (1) (c) and (d).

(3) If a research and statistics unit specified in the Second Schedule refuses to accept a recommendation of the Chief Statistician, the director of the research and statistics unit shall notify the Chief Statistician in writing of such refusal and the reasons therefor.

(4) On receipt of any notice from a research and statistics unit under subsection (3), the Chief Statistician shall reconsider the recommendation in question, and, in the event of the inability of the Chief Statistician to rescind or revise the recommendation, shall refer the matter to the Minister who shall give directions to the research and statistics unit as he thinks fit and that research and statistics unit shall comply with the directions of the Minister. [3A

5.—(1) For the purpose of obtaining statistical information, it shall be lawful for the Chief Statistician or the director of a research and statistics unit to issue a requisition to any person to furnish particulars and supply information to him relating to any matter to which this Act applies, and every such person is bound to furnish particulars and supply information to the best of his knowledge and belief.

Power of
Chief
Statistician,
director of
research and
statistics
unit to issue
requisition
for
information.
9/90.

(2) A requisition shall be in writing and shall be served upon the person to whom it is addressed in the manner specified in section 11 and shall specify the particulars of information required.

(3) A requisition may —

- (a) specify the form in which and the time within which the particulars and information are to be furnished;
- (b) require the particulars and information to be furnished periodically at or within such time or times and in such form or forms as are specified in the requisition; and
- (c) specify the place or manner at or in which the particulars and information are to be delivered.

(4) No person is bound to furnish any particulars or information other than those which are accessible to him in or derived by him from any business, occupation or work in the conduct or supervision of which he is engaged. [4

6.—(1) For the purpose of obtaining statistical information relating to any matter to which this Act applies, the Chief Statistician may in writing direct —

- (a) the director of any research and statistics unit specified in the Second Schedule to furnish or supply to him any particulars or information obtained by the director under section 5 pursuant to any requisition issued by the director on or after 6th April 1990; or
- (b) any competent authority specified in the first column of the Third Schedule to furnish or supply to him any particulars or information specified in the second column of the Third Schedule and obtained pursuant to any request by the competent authority made on or after 6th April 1990,

Power to
request
information
from research
and statistics
units and
other
competent
authorities.
9/90.

and, notwithstanding the provisions of this Act or any other written law, the director or competent authority shall furnish and supply those particulars and information within such time as may be agreed to by the Chief Statistician and the director or competent authority, as the case may be.

(2) Notwithstanding the provisions of this Act or any other written law, no person shall be guilty of an offence under this Act or that other written law or of any breach of confidence by virtue merely of his disclosing any particulars or information to the Chief Statistician pursuant to any direction under subsection (1).

(3) Where an amendment to the Third Schedule inserts or deletes and substitutes any particulars or information specified in the second column of the Third Schedule, subsection (1) (b) shall have effect as if for the reference to 6th April 1990 there were substituted the date on which the amendment comes into operation.

(4) Subsection (1) shall not apply to any particulars or information obtained under any written law relating to taxation or administered by the Monetary Authority of Singapore.

(5) In this Act, "competent authority" means any public officer, or any statutory body established by or under any written law or any officer thereof, being under any obligation imposed by any written law to observe secrecy in respect of any particulars or information obtained by the public officer or the statutory body or officer thereof in the administration of that written law. [4A

Disclosure of
information.

7.—(1) No particulars or information or any part thereof relating to any individual person obtained under the provisions of this Act shall, without the previous consent in writing of that person, be disclosed except —

- (a) compiled statistics on the operation of an industry may be published irrespective of the number of persons engaged in that industry unless the industry is exempted by the Minister responsible for the Government department or Ministry in possession of such particulars from having its data published;
- (b) where the disclosure can be made without identifying the individual person and an appropriate

time, in the opinion of the Minister responsible for the Government department or Ministry in possession of such particulars, has elapsed;

- (c) for the purposes of any proceedings for an offence under this Act or any report of those proceedings; or
- (d) information of a general nature including products manufactured or handled, size of establishment, number of employees and addresses, which could be obtained from other sources.

(2) The Minister responsible for the Government department or Ministry issuing any requisition under this Act shall have due regard to the circumstances of various trades and industries and, in particular, to the importance of avoiding the disclosure in any return of any trade secret or of trading profits or of any other information the disclosure of which would be likely to tend to the prejudice of the person furnishing the return.

(3) If any information to be obtained under this Act is also obtainable under any other written law which restricts the disclosure of information obtained thereunder, and the Minister is of the opinion that similar restrictions should be applied to any information to be obtained under this Act, the Minister shall by order provide for the application, without modifications or with such adaptations or modifications as he thinks fit, of those restrictions to the information to be so obtained, or any part thereof, in addition to the restrictions imposed by this section.

(4) Without prejudice to subsection (3) if it appears to the Minister that the nature of the information to be obtained under this Act would make it desirable to impose restrictions on the disclosure of the information additional to the restrictions imposed by this section, the Minister may by order prohibit the disclosure of such information, or any part thereof, except to such persons or for such purposes as may be specified in the order.

(5) The compilation of any report, summary or other communication to the public of information obtained under this Act shall be so arranged as to prevent any particulars published therein from being identified as being particulars relating to any individual person except with the previous consent in writing of that person.

9/90.

(6) Where —

- (a) any particulars or information relating to any individual person have been obtained from a competent authority under section 6 (1) (b); and
- (b) the particulars or information were obtained by that competent authority under any written law which restricts the disclosure of information so obtained,

then, in addition to the restrictions imposed by this section and any order made under subsection (3), no such particulars or information shall be disclosed without the written permission of that competent authority:—

(7) If any person discloses any returns or any information contrary to this section, or of any order made thereunder, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both. [5

Impersona-
tion of a
statistical
officer.
9/90.

8.—(1) Any person who impersonates a statistical officer shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

(2) In this section, statistical officer means —

- (a) an officer of the Department of Statistics; or
- (b) an officer of a research and statistics unit. [6

Penalties.

9.—(1) Any person who —

- (a) wilfully refuses or without lawful excuse (the proof of which lies on him) neglects to furnish the particulars or information required within the time allowed for furnishing them or to furnish them in the form specified or prescribed, or to authenticate them in the prescribed manner, or to deliver them at the place or in the manner specified or prescribed for the delivery thereof;
- (b) wilfully furnishes or causes to be furnished any false particulars or information in respect of any matter specified in the requisition requiring particulars or information to be furnished; or
- (c) refuses to answer, or wilfully gives a false answer to, any question necessary for obtaining any information or particulars required by a requisition to be furnished under this Act,

9/90

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

(2) A certificate under the hand of the Chief Statistician or the director of a research and statistics unit stating that such returns have not been furnished or are incorrect shall be prima facie evidence of the facts stated in the certificate. [7]

10. The Chief Statistician or the director of a research and statistics unit may compound any of the offences under section 9 by accepting from a person reasonably suspected of having committed the offence a sum not exceeding \$200. [8]

Compound-
ing of
offences.

11. Subject to any rules made under section 12, requisitions may be served as follows:

Service of
requisition.

- (a) if the person on whom service is to be effected is within Singapore, the requisition may be delivered to him or left with some adult member of his family residing with him;
- (b) if the person on whom service is to be effected has an agent within Singapore, the requisition may be delivered to the agent;
- (c) by registered post addressed to the person on whom service is to be effected at his place of residence;
- (d) where service is to be effected on a firm, the requisition may be served —
 - (i) upon any one or more of the partners; or
 - (ii) at the principal place of business of the firm upon any person having at the time of service the control or management of the firm's business;
- (e) where service is to be effected on a company or corporation, the requisition may be —
 - (i) left at the registered office of the company or corporation;
 - (ii) delivered to any director, manager or the secretary of the company or corporation or to any person having, on behalf of the

company or corporation, powers of control or management over the business, occupation, work or matter to which the requisition relates; or

- (iii) sent by registered post addressed to the company or corporation at its registered office.

[9]

Rules and
orders.

12.—(1) The Minister may make rules —

- (a) for regulating the method of collecting statistics, the staff to be employed in connection therewith, the duties to be performed and the publication to be issued;
- (b) for prescribing the forms in which and the times, places and manner at and in which particulars or information shall be furnished, and the manner in which they shall be authenticated, and any other thing which under this Act is to be prescribed;
- (c) for exempting from the obligation to furnish particulars or information under this Act, either wholly or partly and either unconditionally or subject to such conditions as may be prescribed; and
- (d) generally for carrying out the purposes and provisions of this Act.

(2) All rules made under this section and all orders made under section 7 shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[10]

Amendment
of Schedules.

13.—(1) Subject to subsection (2), the Minister may, by notification in the *Gazette*, amend the First, Second or Third Schedule.

(2) The Minister shall not insert or delete and substitute any particulars or information specified in the second column of the Third Schedule without the approval of the Minister responsible for the written law under which those particulars and information are obtained.

[11]

Transitional
provision.

14. All information collected by the Department of Statistics before the commencement of this Act shall be subject to the same safeguards as respects disclosure as are provided by this Act as if that information was collected under this Act.

[12]

FIRST SCHEDULE

Sections 3 (1) and 13.

Subject matters

- | | |
|--------------------------------|----------------------------|
| 1. Accidents | 23. Income and expenditure |
| 2. Agriculture | 24. Insurance |
| 3. Animal husbandry | 25. Internal trade |
| 4. Banking | 26. Labour |
| 5. Births and Deaths | 27. Land use |
| 6. Building | 28. Manpower |
| 7. Citizenship | 29. Manufacturing |
| 8. Commerce | 30. Marriage and divorce |
| 9. Communications | 31. Meteorology |
| 10. Construction | 32. Mining |
| 11. Crime | 33. Narcotics |
| 12. Culture | 34. Pollution |
| 13. Education | 35. Population |
| 14. Energy | 36. Power |
| 15. External trade | 37. Prisons |
| 16. Family planning | 38. Quarrying |
| 17. Fisheries | 39. Recreation |
| 18. Forestry | 40. Social security |
| 19. Finance | 41. Sports |
| 20. Health | 42. Tourism |
| 22. Housing | 43. Transport. |
| 22. Immigration and emigration | |

SECOND SCHEDULE

Sections 4, 6, 7 and 13.

RESEARCH AND STATISTICS UNITS

- 1 Economics and Resources Department of the Building and Construction Authority.
- 2 Research and Statistics Unit of the Economic Development Board.
- 3 Management Information Section of the Ministry of Education.
- 4 Statistics Unit of the Ministry of the Environment.
- 5 Information Services Department of the Ministry of Health.
- 6 Manpower Research and Statistics Department of the Ministry of Manpower.
- 7 Statistics Unit, Financial Supervision Group of the Monetary Authority of Singapore.

THIRD SCHEDULE

Sections 6, 7 and 13.

COMPETENT AUTHORITIES

*First column**Second column*

- | | |
|--------------------------------|--|
| 1 Superintendent of Census | Particulars and information obtained by the Superintendent of Census under the Census Act (Chapter 35). |
| 2 Central Provident Fund Board | Particulars and information relating to the employment, employer and wages of Central Provident Fund members obtained by the Central Provident Fund Board under the Central Provident Fund Act (Chapter 36). |
| 3 Trade Development Board | Particulars and information obtained by the Trade Development Board under section 3 of the Registration of Imports and Exports Act (Chapter 270) and any rules made thereunder. |

중국 통계법

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 in accordance with the Decision of the Standing Committee of the National People's Congress on Revising the Statistics Law of the People's Republic of China adopted on May 15, 1996)

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Chapter I

General Provisions

Article 1 This Law is formulated in order to organize statistical work in an effective and scientific manner, to ensure accuracy and timeliness of statistical data, to bring into play the important role of statistics in comprehending the actual condition and strength of the country as well as in guiding national economic and social development, and to promote the smooth progress of the socialist modernization.

Article 2 The fundamental task of statistical work is to make statistical investigation and analysis of national economic and social development, to provide statistical data and advice and to exercise statistical supervision.

Article 3 State organs, public organizations, enterprises, institutions, and self-employed industrialists and businessmen that are under statistical investigation shall, in accordance with the provisions of this Law and State regulations, provide truthful statistical data. They may not make false entries or conceal statistical data, and they may not refuse to submit statistical reports or report statistical data belatedly. Falsification of or tampering with statistical data shall be prohibited.

Autonomous mass organizations at the grass-roots level and citizens shall have the duty to provide truthful information needed for State statistical investigations.

Article 4 The State shall establish a centralized and unified statistical system, with a statistical administrative structure under unified leadership and with each level assuming responsibility for its own work..

A State Statistics Bureau shall be established under the State Council to be responsible for organizing, directing and coordinating the statistical work throughout the country.

People's governments at all levels and all departments, enterprises and institutions may, according to the needs of their statistical work, set up statistics institutions and staff them with statisticians.

Article 5 The State shall strengthen scientific research of the system for statistical indices and constantly improve the method of statistical investigation in order to make statistics more scientific and authentic.

The State shall make plans to introduce modern techniques of processing and transmission of statistical information as well as a modern data bank system.

Article 6 Leading members of local authorities, departments and units shall direct and supervise statistics institutions and statisticians and other persons concerned in enforcing this Law and the rules governing

statistical work.

Statistical work shall be subject to public supervision. Any unit or individual shall have the right to expose or report unlawful activities in statistical work, such as fraud and deception, and any unit or individual that has rendered meritorious service by exposing or reporting shall be rewarded.

Article 7 Leading members of local authorities, departments and units may not revise the statistic data provided by statistics institutions and statisticians in accordance with the provisions of this Law and the rules governing statistical work, if they find any error in data computation or in data sources, they shall instruct the statistics institutions and statisticians and other persons concerned to make verification and corrections.

No leading members of local authorities, departments or units may compel or prompt statistics institutions or statisticians to tamper with or fabricate statistical data, Statistics institutions and statisticians shall refuse to submit to or oppose such compulsion or prompting and, in accordance with this Law and regulations on statistics, submit authentic statistical data and be responsible for their authenticity.

Statistics institutions and statisticians shall perform their duties according to law, which shall be protected by law. No leading members of local authorities, departments or units may retaliate against the statisticians who refuse to tamper with or fabricate statistical data or oppose doing it.

Article 8 Statistics institutions and statisticians shall adopt the system of responsibility for work. They shall, in accordance with the provisions of this Law and the rules governing statistical work, truthfully provide statistical data, accurately and promptly accomplish the task of statistical work and protect State secrets.

In accordance with the provisions of this law, statistics institutions and statisticians shall exercise, independently and free from interference, their functions and powers with regard to statistical investigations, statistical reports and statistical supervision.

Chapter II

Plans for Statistical Investigations and the Statistical System

Article 9 Statistical investigations shall be conducted in accordance with an approved plan. A statistical investigation plan shall be drawn up according to statistical investigation items.

State statistical investigation items shall be worked out by the State Statistical Bureau, or by the State Statistical Bureau jointly with the relevant department or departments of the State Council, and shall be submitted to the State Council for examination and approval.

Statistical investigation items of department shall be worked out, if the units to be investigated lie within its jurisdiction, by the department itself and shall be reported to the State Statistics Bureau or to a statistics institution of a local people's government at the same level for the record; if the units to be investigated lie beyond its jurisdiction, the investigation items shall be worked out by the department and shall be reported to the State Statistics Bureau or to a statistics institution of a local people's government at the same level for examination and approval, but important items shall be reported to the State Council or a local people's, government at the same level for examination and approval.

Local statistical investigation items shall be worked out by statistics institutions of local people's governments at or above the county level, or by statistics institutions of local people's governments at or above the county level jointly with the relevant department or departments, and shall all be reported to local people's governments at the same level for examination and approval.

In the event of serious natural calamities or other unforeseeable situations' local people's governments at or above the county level may decide to make interim investigations beyond the original plan.

In drawing up a plan for statistical investigation items, it is necessary to draw up simultaneously appropriate statistical investigation forms, which shall be reported to the State Statistics Bureau or a statistics institution of a local people's government at the same level for examination or for the record.

State, departmental and local statistical investigations must be explicitly divided in their functions. They shall be made to dovetail with each other and not overlap.

Article 10 Statistical investigation shall be conducted to collect and sort out basic statistical data mainly through regular sampling surveys on the basis of cyclic general surveys and supplemented by statistical reports, major surveys and comprehensive analysis.

For important general surveys of the national conditions and strength where the joint efforts of different quarters are required, the State Council and local people's governments at various levels shall exercise unified leadership and organize joint execution by statistics institutions and other departments concerned.

Before conducting regular sampling surveys, it is necessary to find out about the basic statistics units and their geographical distribution and to establish a scientific sampling framework in accordance with an approved plan for sampling surveys.

The issue of regular overall statistics forms to the grass-roots units shall be strictly limited. Where it is possible to obtain statistical data through sampling surveys, major surveys and administrative records, no regular overall statistics forms shall be drawn up or issued.

Article 11 The State shall formulate unified statistical standards to ensure standardization of definitions of statistical items, computing methods, classification catalogues, investigation forms and statistical coding employed in statistical investigations.

The State statistical standards shall be formulated by the State Statistics Bureau or by the State Statistics Bureau jointly with the State Bureau of Standards.

The various departments of the State Council may formulate supplementary departmental statistical standards. Departmental statistical standards may not conflict with the State statistical standards.

Article 12 The units and individuals under statistical investigation shall have the right to refuse to fill in statistical investigation forms drawn up and issued in violation of this Law and relevant State regulations.

It is forbidden to make use of statistical investigation to steal State secrets, jeopardize public interests and engage in fraud.

Chapter III

The Administration and Publication of Statistical Data

Article 13 Statistical data within the scope of State and local statistical investigations shall be separately placed under the unified administration of the State Statistics Bureau, the statistics institutions of local people's governments at or above the county level or the statisticians of townships and towns.

Statistical data within the scope of departmental statistical investigations shall be placed under the unified administration of statistics institutions or persons in charge of statistics of competent departments.

Statistical data of enterprises and institutions shall be placed under the unified administration of statistics institutions or persons in charge of

statistics of the enterprises and institutions.

Article 14 Statistical data shall, in accordance with State regulations, be published periodically by the State Statistics Bureau and statistics institutions of people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Statistical data to be published by local authorities, departments and units shall be checked and ratified by the statistics institutions or persons in charge of statistics as prescribed in Article 13 of this Law, and shall be submitted for examination and approval according to procedures stipulated by the State.

Statistical data published by the State Statistics Bureau shall be the standard data..

Article 15 Statistical data pertaining to State secrets must be kept confidential. Single item investigation data concerning any individual or his/her family shall not be divulged without the consent of the said person.

Statistics institutions and statisticians shall have the obligation to maintain commercial secrets of the units and individuals under their statistical investigation, which they have come to know in the process.

Chapter IV

Statistics Institutions and Statisticians

Article 16 Independent statistics institutions shall be established in local people's governments at or above the county level, and people's governments of townships and towns shall be staffed with full-time or part-time statisticians, who shall be responsible for organizing, guiding and coordinating the statistical work in their respective administrative

areas.

Article 17 The administrative structure with regard to statistics institutions of local people's governments at or above the county level and statisticians of townships and towns shall be specifically prescribed by the State Council.

The sizes of the staff of statistics institutions of local people's governments at various levels shall be prescribed by the State in a unified way.

Article 18 The departments of the State Council and local people's governments at various levels shall, according to the needs of their statistical work, establish statistics institutions, or staff relevant departments with statisticians, and appoint persons in charge of statistics. These statistics institutions and persons in charge of statistics are, in statistical work, under the direction of the State Statistics Bureau or statistics institutions of local people's governments at the corresponding level.

Article 19 Enterprises and institutions shall, according to the needs of their statistical work, establish statistics institutions or staff relevant departments with statisticians, and appoint persons in charge of statistics. Enterprises and institutions shall fulfill State or local statistical investigation tasks and accept the direction of statistics institutions of local people's governments.

Enterprises and institutions shall keep original statistical records and standing books, establish and improve the management systems for checking, transferring and filing statistical data.

Article 20 The main functions of the State Statistics Bureau and statistics institutions of local people's governments at various levels are as follows :

(1) to draw up plans for statistical investigations and map out and inspect statistical work throughout the country or in their respective administrative areas ;

(2) to organize State and local statistical investigation : and to collect, compile and provide statistical data of the whole country or of their respective administrative areas ;

(3) to make statistical analysis of national economic and social development, to exercise statistical supervision and, in accordance with the regulations of the State Council, to conduct national economic accounting.

(4) to administer and coordinate work concerning the statistical investigation forms and statistical standards worked out by various departments.

The state statistics Bureau shall be in charge of the nation's automated system of statistical information and statistical data bank system.

Statisticians of townships and towns shall, together with persons concerned, take charge of the statistical work in rural areas at the grass-root level, and accomplish the tasks of State and local statistical investigations.

Article 21 The main functions of statistics institutions or persons in charge of statistics of departments of the State Council and local people's governments at various levels are as follows :

(1) to organize and coordinate the statistical work of various functional organs of such departments, to execute the tasks of state and local statistical investigations, to draw up and carry out statistical investigation plans of such departments and to collect, compile and provide statistical data ;

(2) to make statistical analysis of and exercise statistical supervision over the implementation of plans of such departments and of the enterprises and institutions under their jurisdiction; and

(3) to organize and coordinate the statistical work of enterprises and institutions under the jurisdiction of such departments and handle statistical investigation forms of such departments.

Article 22 The main functions of statistics institutions and persons in charge of statistics of enterprises and institutions are as follows

(1) to organize and coordinate the statistical work of such units, to execute the tasks of State, departmental and local statistical investigations, and to collect, compile and provide statistical data;

(2) to make statistical analysis of and exercise statistical supervision over the implementation of plans of such units ; and

(3) to handle statistical investigation forms of such units, to establish and improve statistical master, file systems and to establish and improve, jointly with organs or persons concerned, original record systems.

Article 23 Statistics institutions and statisticians shall have the power :

(1) to require units or persons concerned to provide truthful statistical data in accordance with State regulations ;

(2) to check the accuracy of statistical data and to ask for correction of inaccurate statistical data ; and

(3) to expose and report any violations of law committed in statistical investigation.

When performing their duties in accordance with the provisions of the

preceding paragraph and conducting statistical investigation of units or individuals, statisticians shall produce their official papers issued by statistics institutions of the people's governments at or above the county level.

Article 24 Statisticians shall adhere to the principle of seeking truth from facts, abide by professional ethics and possess the professional knowledge necessary for carrying out statistical tasks. Statistics institutions shall provide more professional training for statisticians and organize them for professional studies.

Article 25 Statistics institutions of the State Council and of local people's governments at various levels, various departments, enterprises and institutions shall, in accordance with relevant State regulations, evaluate statisticians and confer on them appropriate professional titles in order to ensure a fixed number of statisticians holding professional titles.

Chapter V

Legal Responsibility

Article 26 Leading members of local authorities, departments or units who alter statistical data without authorization, or fabricate statistical data, or compel or prompt statistics institutions or statisticians to tamper with or fabricate statistical data shall be given administrative sanctions according to law and criticized in a circulated notice by the statistics institutions of the people's governments at or above the county level.

Any leading member of local authorities, departments or units who retaliates against the statisticians who refuses to fabricate statistical data or opposes doing so shall be given administrative sanctions according to law; if the case constitutes a crime, he shall be investigated for criminal responsibility according to law.

Statisticians who participate in tampering with or fabricating statistical data shall be criticized in a circulated notice and given administrative sanctions in accordance with law by the statistics institutions of the people's governments at or above the county level; or the said institutions may suggest that the departments concerned give them administrative sanctions in accordance with law.

Article 27 Any unit or individual under statistical investigation that commits one of the following violations shall be ordered to put it right and criticized in a circulated notice by the statistics institutions of the people's governments at or above the county level; if the violation is

relatively serious, administrative sanctions shall be given to the persons who are directly in charge and other persons who are directly responsible for it:

- (1) making false entries in statistical data or concealing statistical data;
- (2) falsifying or tampering with statistical data; or
- (3) refusing to submit statistical reports or repeatedly delaying their submission.

Any enterprise, institution and self-employed industrialist or businessman that commits any of the violations mentioned in the preceding paragraph shall be given a disciplinary warning by the statistics institution of the people's government at or above the county level, and may also be fined. However, if the same party has been fined for the same violation according to other laws, it shall not be fined a second time.

Article 28 If a person, in violation of the provisions of this Law, tampers with or fabricates statistical data and thus gains titles of honor, material rewards or promotion, the institution that made such decision or the institution at a higher level, or a supervisory institution shall have the

titles of honor annulled, the material rewards recovered and the promotion canceled.

Article 29 Whoever makes use of statistical investigation to steal State secrets or violates the provisions of this Law regarding the maintenance of secrets shall be punished according to provisions of relevant laws.

Whoever makes use of statistical investigation to jeopardize public interests or engage in fraud shall be ordered by the statistics institution of the people's government at or above the county level to set it right and his illegal gains shall be confiscated, and he may also be fined; if the case constitutes a crime, he shall be investigated for criminal responsibility according to law.

Article 30 Statistics institutions or statisticians that, in violation of the provisions of this Law, disclose single-item personal or family investigation data or commercial secrets of an investigated unit or individual and thus cause losses shall bear civil liability, and the persons who are directly in charge and other persons who are directly responsible for the case shall be given administrative sanctions according to law.

Article 31 Any State organ that, in violation of the provision of this Law, draws up and issues statistical investigation forms without submitting the matter for examination or for the record shall be ordered by the statistics institution of the people's government at or above the county level to set it right and criticized in a circulated notice.

Chapter VI Supplementary Provisions

Article 32 Measures for administration of non-governmental statistical investigation shall be formulated by the State Council. To conduct a statistical investigation within the territory of the People's Republic of China, organizations and individuals from outside the territory of the

People's Republic of China shall submit a report for examination and for approval in advance according to regulations. Specific measures shall be formulated by the State Council.

Article 33 The State Statistics Bureau shall, in accordance with this Law, formulate rules for its implementation and submit them to the State Council for approval before they are put into effect.

Article 34 This Law shall go into effect as of January 1, 1984. The Regulations on Statistical Work for Trial Implementation promulgated by the State Council in 1963 shall be invalidated therefrom.

한국 통계법

Statistics Law

Law No. 980, Jan. 15, 1962

Amended by Law No. 1215, Dec. 12, 1962

Law No. 2799, Dec. 31, 1975

Law No. 5043, Dec. 29, 1995

Law No. 5691, Jan. 29, 1999

Article 1. (*Purpose*) The purpose of this Law shall be to ensure the reliability of statistics and the efficiency of the operation of the statistical systems through a comprehensive coordination of statistical activities and realignment of the statistical regime.

Article 2. (*Fundamental Ideology of Statistics*) Statistics shall be compiled in a scientific method and used impartially for social development as a resource to facilitate reasonable decision making.

Article 3. (*Definition*) For the purpose of this Law,

- (1) the term "statistics" means designated statistics and general statistics which shall be compiled by the statistical agency itself or by another delegated or an entrusted agency in order to be utilized for their policy making, evaluation, etc. and be determined by Presidential Decree;
- (2) the term "designated statistics" means statistics which shall be designated and announced publicly by the Commissioner of the National Statistical Office (NSO) among the statistics compiled by a statistical agency;
- (3) the term "general statistics" means statistics other than the designated statistics compiled by statistical agencies;
- (4) the term "statistical agency" means a central administrative agency, local government or designated agency as prescribed in Article 4 (hereinafter referred to as "statistical agency").

Article 4. (*Designation of Statistical Agencies, etc.*)

- (1) The Commissioner of the National Statistical Office shall designate agencies by the applications of various agencies. Agencies to be designated and the requirements of the designation shall be stipulated by Presidential Decree
- (2) Where a designated agency or a designated statistics fails to fulfill the requirements in Article 4(1), the Commissioner may repeal the designation.
- (3) If the Commissioner of the National Statistical Office desires to designate any statistics or repeal them, the Commissioner shall notify the general public.

Article 5. (*Relation to Other Laws*)

- (1) The provisions of this Law shall not be applicable to statistical matters governed by other laws.
- (2) If the head of a related administrative agency desires to establish or revise the laws and regulations concerning statistical matters, he shall, in advance, confer with the Commissioner of the National Statistical Office.

Article 6. (*Request for Improvement of Statistical Matters, etc.*)

- (1) If it is deemed necessary for performing the function as referred to in Article 1, the Commissioner of the National Statistical Office may request a statistical agency to implement, suspend, change or improve the statistical matters.
- (2) The head of a statistical agency receiving a request from the Commissioner of the National Statistical Office under Paragraph(1) shall comply, unless a justifiable reason can be given that he should not.

Article 7. (*Request for Data Presentation*)

- (1) If it is deemed necessary for enforcing this Law, the Commissioner

of the National Statistical Office may order the head of a statistical agency to present related data.

- (2) The provisions of Article 6(2) shall be applicable to the case as referred to in Paragraph(1).

Article 8. (*Approval for Statistical Compilation*) The head of a statistical agency desiring to compile new statistics shall, in advance, obtains the approval of Commissioner of the National Statistical Office for the statistical compilation. In a case of suspension of the approved statistical compilation or change of the approved items, the same shall be applicable.

Article 9. (*Compilation Conference*)

- (1) For statistics compiled by other laws, the items such as survey method, etc., as referred to in the Presidential Decree, among items not stipulated by the Law shall, in advance, be conferred with the Commissioner of the National Statistical Office. In a case of suspension or change of the conferred statistical compilation the same shall be applicable.
- (2) In a case of statistical compilation by conference under Paragraph(1), it shall be read as the Commissioner's approval under the provisions of Article 8.

Article 10. (*Order to Present Material*) If it is deemed necessary for compiling designated statistics, the head of the central administrative agency or local government shall order the individuals, juristic persons, or organizations to present the related materials.

Article 11. (*Education for Employees on Statistical Matters*)

- (1) In order to advance the ability of persons engaged in statistical work of a statistical agency the Commissioner of the National Statistical Office may conduct education on statistical matters or recommend the head of a statistical agency to conduct it.

- (2) The scope of persons who shall receive the education and the educational method on statistical matters under the provisions of Paragraph(1) shall be determined by Presidential Decree

Article 12. (*Field Investigation*)

- (1) Persons engaged in statistical work may inspect concerned materials, request their submission, or ask questions to the persons concerned for the purpose of the investigation or confirmation of the designated statistics under terms approved in advance by the Commissioner of the National Statistical Office.
- (2) A person requested to submit or inspect concerned materials or asked questions shall comply, unless a justifiable reason exists why he should not.
- (3) A person who conducts the duty under paragraph(1) shall show to related persons a certificate indicating his competence.

Article 13. (*Protection of Secrets, etc.*)

- (1) The secrets belonging to individuals, juristic persons or organizations revealed in the course of carrying out a statistical activity shall be protected.
- (2) No fundamental material of a confidential nature belonging to individuals, juristic persons or organizations collected for statistical compilation shall be used for any purpose other than statistical compilation.

Article 14. (*Duty of Person Engaged in Statistical Matter*) No person who performs or performed a statistical matter, or who performs or performed an entrusted matter from the statistical agency for a processing of statistical data, shall use that data for a purpose other than the work, such as divulging any secret belonging to individual, juristic person or organization learned in the course of carrying out his work, using it, or offering it to others without authority.

Article 15. (*Publication of Statistical Results, etc*)

- (1) The head of a statistical agency which has compiled statistics shall submit the results of the statistics to the Commissioner of the National Statistical Office, and after consultation with the Commissioner, the results shall be published; provided, with his permission, it may not be published.
- (2) If it is deemed necessary not to consult with the producer of the statistical results submitted under Paragraph(1), the Commissioner may have it published without consultation.
- (3) When the Commissioner of the National Statistical Office recognizes the compilation method to be unreasonable or the reliability of the statistical results to have deteriorated for the statistics compiled without consultation under Paragraph(2), he may have it published again after consultation.
- (4) When the head of a statistical agency publishes the statistical results under Paragraphs (1), (2) and (3), he shall submit the statistical results without delay to the Commissioner of the National Statistical Office, who shall take the necessary measures concerning the use of the statistical results for the users of statistics.

Article 16. (*Use of the Statistical Data*) The head of a statistical agency shall have the statistical data used extensively under the conditions prescribed by the Presidential Decree in the limit of falling under the provisions of Article 13.

Article 17. (*Classification of Statistical Data*)

- (1) When the head of a statistical agency classifies the statistical data, he shall follow the standard classifications established and announced publicly by the Commissioner of the National Statistical Office on the basis of international standard classifications. The Commissioner shall confer with related agencies in advance when

he establishes the standard classifications.

- (2) Where the statistical data is unsuitable for the standard classifications as referred to in Paragraph(1), the head of a statistical agency may classify, upon approval of the Commissioner of the National Statistical Office, the statistical data according to a method other than the standard classifications.
- (3) If the Commissioner of the National Statistical Office deems the content of the standard classifications incorrect due to alteration, summary, or selection through publication, he may order it corrected.

Article 18. (*Printing Statistical Material*) The head of a statistical agency which has printed material containing statistics (hereinafter referred to as "printing material") as referred to in the Presidential Decree shall notify the Commissioner of the National Statistical Office of its contents without delay.

Article 19. (*Cooperation in Statistical Compilation*)

- (1) The head of a statistical agency compiling statistics under the provisions of Article 8 or 9 (1) may request, if necessary, the cooperation of related statistical agencies. The requested agency shall comply except in special cases.
- (2) The statistical agency requesting cooperation shall, principally, bear the costs needed for the cooperation under Paragraph(1) except in cases prescribed in the other laws and regulations; provided, where the compiled statistics are to be used by the agency requested for the cooperation, it may bear a part of the needed costs under mutual conference.

Article 20. (*Delegation and Entrustment of Authority*)

- (1) The head of a statistical agency may delegate part of his authority under this Law to the head of an agency under his control, the mayor of Seoul, a mayor of a metropolitan city, or a provincial

governor, or he may entrust it to the head of another administrative agency or statistical agency as referred to in the Presidential Decree.

- (2) The mayor of Seoul, the mayor of a metropolitan city, or a provincial governor may delegate again, upon approval of the delegation agency, part of the authority delegated by the provisions of Paragraph(1) to the mayor of an ordinary city, head of a county, head of district of a metropolitan city, or head of another agency under his control.

Article 21. (*Assistance of Budget, Manpower and Other areas*)

- (1) The Commissioner of the National Statistical Office may assist a statistical agency or an organization which conducts business for the education, development or advertisement of statistics with a part of the needed costs for the operation of the business within the limits of the yearly budget, and if necessary, assist with manpower for a defined time.
- (2) The Commissioner of the National Statistical Office shall help those requesting assistance in obtaining the desired cooperation, if the Commissioner is requested for necessary advice or technology in statistical planning, surveys, or processing.

Article 22. (*Non-approval of Statistical Compilation, etc.*) The Commissioner of the National Statistical Office may repeal the designation of a designated agency if the agency falls under any of the following cases:

- (1) When it has violated the provisions of Article 6(2), including the case where it is applicable under Article 7(2);
- (2) When it has compiled, changed, or suspended the statistics without approval or consultation in contravention of the provisions of Articles 8 and 9;
- (3) When it has published statistical results in contravention of the

provisions of Article 15(1) and 15(3);

- (4) When it has not used the standard classifications under Article 17 or used classifications other than the standard classifications under Article 17 without approval of the Commissioner of the National Statistical Office.

Article 23. (*Penal Provision*) Any person who falls under any of the following sub-paragraphs shall be punished by imprisonment for not more than three years, or a fine not exceeding ten million Won:

- (1) A person who has violated the provisions of Article 14;
- (2) A person who has read or been provided, in a false or unfair method, secret materials belonging to individuals, juristic persons, or organizations;
- (3) A person who has changed or erased the fundamental materials which the statistical agency collected, retained, or managed to compile;
- (4) A person who uses personal or a corporation's confidentialities, which he has obtained for the purpose of producing statistics for other purposes than originally intended, or who provides them to others without proper permission.

Article 24. (*Joint Penal Provision*) If a representative of a juristic person, agent, serviceman, or other employee of a juristic person or individual, commits an offense falling under subparagraph (2) or (3) of Article 23, the fine as prescribed in Article 23 shall also be imposed on such juristic person or individual in addition to the offender.

Article 25. (*Fine for Negligence*)

- (1) Any person who falls under any of the following sub-paragraphs shall be punished by a fine for negligence not exceeding one million Won:

- ① A person who has failed to present material or submitted false materials in contravention of the provisions of Article 10;
 - ② A person who has interfered with the submission of the materials in contravention of the provisions of Article 10;
 - ③ A person who has refused, interfered with, or evaded any investigation conducted by the person engaged in statistical work, submitted false materials, or made a false statement in contravention of the provisions of Article 12.
- (2) Any statistical agency which has committed an act falling under any of the following sub-paragraphs shall be punished by a fine for negligence not exceeding two million Won:
- ① An agency that has violated the provisions of Article 6(2), including the case where it is applicable under Article 7(2);
 - ② An agency that has compiled, changed or suspended statistics without approval or consultation in contravention of the provisions of Articles 8 and 9;
 - ③ An agency that has published statistical results in contravention of the provisions of Articles 15(1) and 15(3);
 - ④ An agency that has not used the standard classifications under Article 17 or used other classifications than the standard classifications under Article 17 without approval of the Commissioner of the National Statistical Office;
- (3) Any person who has violated the correction order of the Commissioner of the National Statistical Office, in contravention of the provisions of Article 17(3), shall be punished by a fine for negligence not exceeding three million Won.

Article 26. *(Imposition Process of a Fine for Negligence)*

- (1) The fine for negligence as referred to in Article 25 shall be imposed and collected by the head of a central administrative

agency or local government (hereinafter referred to as "person who is entitled to impose it").

- (2) Any person who is dissatisfied with the disposition of a fine for negligence as referred to in Paragraph(1) may make an objection against the person who is entitled to impose it within thirty days after he is informed of such disposition.
- (3) If a person who is subject to a disposition of fine for negligence as referred to in Paragraph(1) has made an objection under Paragraph(2), the person who is entitled to impose it shall notify the competent court of the above without delay, which shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-Contentious Case Procedure Act.
- (4) If no objection is made, and no fine for negligence is paid, in the period as referred to in Paragraph(2), it shall be collected according to the examples of the disposition of national or local taxes in arrears.

ADDENDA

- (1) (Enforcement Date) This Law shall enter into force as of April 1, 1999.
- (2) (Interim Measures concerning Designated Agency, etc) Any designated agency or designated statistics designated by the previous provisions at the time of the enforcement of this Law shall be considered as designated by Article 4(1).
- (3) (Removal from the designated agency responsibilities) Agencies designated under the authority of the Commissioner of the National Statistical Office based on Article 4(1) of the old Law may request the removal from their responsibilities within three months of the enforcement of the Law. In this case the Commissioner shall relieve these agencies from their responsibilities and announce their removal publicly.

統 計 法

法 律 第 980號 1962年 1月 15日 公布
改正法律 第1215號 1962年 12月 12日 公布
改正法律 第2799號 1975年 12月 31日 公布
改正法律 第5043號 1995年 12月 29日 公布
改正法律 第5691號 1999年 1月 29日 公布

第1條(目的) 이 法은 統計에 관한 사항을 綜合的으로 調整하고 統計의 體系를 整備함으로써 統計의 信賴性和 統計制度 運用의 효율성을 확보함을 目的으로 한다.

第2條(統計의 基本理念) 統計는 각종 意思決定을 합리적으로 수행하기 위한 資源으로서 社會發展에 기여할 수 있도록 科學的인 方法에 의하여 生産되고 公正하게 이용되어야 한다.

第3條(定義) 이 法에서 사용하는 用語의 定義는 다음과 같다.

1. “統計”라 함은 統計作成機關이 정책의 수립 및 評價등에 活用할 目的으로 직접 또는 다른 機關에 위임·委託하여 작성하는 指定統計와 一般統計로서 大統領令으로 정하는 것을 말한다.
2. “指定統計”라 함은 統計作成機關이 작성하는 統計중 統計廳長이 지정하여 告示하는 統計를 말한다.
3. “一般統計”라 함은 統計作成機關이 작성하는 統計중 指定統計 외의 統計를 말한다.
4. “統計作成機關”이라 함은 中央行政機關·地方自治團體 또는 第4條의 規定에 의하여 지정을 받은 機關(이하 “指定機關”이라 한다)을 말한다.

第4條(指定機關의 지정등) ①統計廳長은 해당 機關의 申請에 의하여 指定機關 또는 指定統計를 지정한다. 이 경우 指定機關 또는 指定統計의 지정요건은 大統領令으로 정한다.<改正 99. 1. 29>

②統計廳長은 指定機關 또는 指定統計가 第1項 後段의 規定에 의한 지정요건을 갖추지 못하는 경우에는 그 지정을 撤回할 수 있다.<改正 99. 1. 29>

③統計廳長은 指定統計를 지정하거나 指定統計의 지정을 撤回한 때에는 이를 告示하여야 한다.<新設 99. 1. 29>

第5條(다른 法律과의 관계) ①統計作成에 관하여 다른 法律에 특별한 規定이 있는 경우를 제외하고는 이 法이 정하는 바에 의한다.

②關係行政機關의 長이 統計作成에 관한 사항을 내용으로 하는 法令을 制定하거나 改正하는 경우에는 미리 統計廳長과 協議하여야 한다.

第6條(統計作成事務의 개선요구등) ①統計廳長은 第1條의 目的을 달성하기 위하여 필요하다고 인정하는 경우에는 統計作成機關에 대하여 統計作成의 실시·중지·변경 또는 統計作成事務의 개선을 요구할 수 있다.

②第1項의 規定에 의하여 統計廳長의 요구를 받은 機關의 長은 正當한 사유가 없는 한 이에 응하여야 한다.

第7條(資料제출의 요구) ①統計廳長은 이 法의 施行을 위하여 필요하다고 인정하는 경우에는 統計作成機關의 長에 대하여 關係資料의 제출을 요구할 수 있다.

②第6條第2項의 規定은 第1項의 경우에 이를 準用한다.

第8條(統計作成의 승인) 새로운 統計를 작성하고자 하는 統計作成機關의 長은 그 統計作成에 관하여 미리 統計廳長의 승인을 얻어야 한다. 승인을 얻은 統計作成을 중지하거나 승인을 얻은 사항을 변경하고자 하는 경우에도 또한 같다.

第9條(作成協議) ①다른 法律에 의하여 작성하는 統計의 경우로서 그 法律에서 정하지 아니한 사항중 調査方法등 大統領令이 정하는 사항에 관하여는 미리 統計廳長과 協議하여야 한다. 協議를 거친 統計作成을 중지하거나 변경하고자 하는 경우에도 또한 같다.
②第1項의 規定에 의한 協議를 거쳐 統計를 작성하는 경우에는 第8條의 規定에 의한 승인을 얻은 것으로 본다.

第10條(資料提出命令) 中央行政機關 또는 地方自治團體의 長은 指定 統計의 작성을 위하여 필요하다고 인정하는 경우에는 개인 또는 法人이나 團體로 하여금 관계되는 資料의 제출을 명할 수 있다.

第11條(統計作成事務從事者에 대한 敎育) ①統計廳長은 統計作成機關의 統計作成에 관한 事務에 종사하는 者의 資質향상을 위하여 統計에 관한 敎育을 실시하거나 統計作成機關의 長에게 이를 권고할 수 있다.

②第1項의 規定에 의하여 統計에 관한 敎育을 받을 者의 범위, 敎育의 방법 기타 필요한 사항은 大統領令으로 정한다.<改正 99. 1. 29>

第12條(實地調査) ①統計作成에 관한 事務에 종사하는 者는 指定 統計의 調査나 확인을 위하여 미리 統計廳長의 승인을 얻은 사항에

관하여 關係資料의 檢査 또는 調査資料의 제출을 요구하거나 관계인에게 質問을 할 수 있다.

②第1項의 規定에 의한 關係資料의 檢査 또는 調査資料의 제출을 요구받거나 質問을 받은 者는 正當한 사유가 없는 한 이에 응하여야 한다.

③第1項의 規定에 의한 職務를 행하는 者는 그 權限을 표시하는 證票을 지니고 이를 관계인에게 내보여야 한다.

第13條(秘密의 보호等) ①統計作成過程에서 알려진 사항으로서 개인 또는 法人이나 團體의 秘密에 속하는 사항은 保護되어야 한다.

②統計作成을 위하여 蒐集된 개인 또는 法人이나 團體의 秘密에 속하는 基礎資料는 統計作成의 目的외에 사용하여서는 아니된다.

第14條(統計作成事務從事者등의 義務) 統計作成에 관한 事務에 종사하거나 종사하였던 者 또는 統計作成機關으로부터 統計資料의 處理業務를 委託받아 그 業務에 종사하거나 종사하였던 者는 職務상 알게된 사항으로서 개인 또는 法人이나 團體의 秘密에 속하는 사항을 누설 또는 權限없이 처리하거나 他人에게 제공하는 등 業務외의 目的에 사용하여서는 아니된다.

第15條(統計結果의 公表等) ①統計를 작성한 統計作成機關의 長은 지체없이 그 統計結果를 統計廳長에게 제출하고 統計廳長과의 協議를 거친 후에 이를 公表하여야 한다. 다만, 統計廳長의 승인을 얻은 경우에는 公表하지 아니할 수 있다.

②統計廳長은 第1項 本文의 規定에 의하여 協議한 統計結果에 後續하여 작성되는 統計結果에 관하여 協議할 필요가 없다고 인정

하는 경우에는 協議를 거치지 아니하고 이를 公表하게 할 수 있다.

③統計廳長은 第2項의 規定에 의하여 協議를 거치지 아니하는 統計結果에 있어서 작성방법이 부적합하게 되거나 統計結果의 信賴性이 低下되었다고 인정하는 경우에는 다시 協議를 거쳐 公表하게 할 수 있다.

④統計作成機關의 長은 第1項 本文·第2項 및 第3項의 規定에 의하여 統計結果를 公表하였을 때에는 지체없이 그 統計結果를 統計廳長에게 송부하여야 하며, 統計廳長은 이를 統計利用者가 신속하게 널리 活用할 수 있도록 필요한 措置를 하여야 한다.

第16條(統計資料의 活用) 統計作成機關의 長은 大統領令이 정하는 바에 의하여 第13條의 規定에 違背되지 아니하는 범위안에서 統計資料를 널리 活用하도록 하여야 한다.

第17條(統計資料의 分類) ①統計作成機關이 統計를 작성하기 위하여 統計資料를 分類할 때에는 統計廳長이 國際標準分類를 기준으로 하여 작성·告示하는 標準分類에 의하여야 한다. 統計廳長이 標準分類를 작성함에 있어서는 關係機關과 미리 協議하여야 한다.<改正 99. 1. 29>

②第1項의 標準分類에 의하여 分類하기 곤란한 統計資料에 대하여는 그 統計作成機關의 長은 統計廳長의 同意를 얻어 標準分類와 다른 分類를 할 수 있다.

③統計廳長은 標準分類의 내용을 변경하거나 要約·拔萃하여 發刊함으로써 標準分類의 내용이 사실과 다르게 傳達될 우려가 있다고 인정하는 경우에는 이의 是正을 명할 수 있다.

第18條(統計刊行物の發刊) 統計의 收錄을 目的으로 하는 刊行物로서 大統領令이 정하는 刊行物(이하 “統計刊行物”이라 한다)을 發刊한 統計作成機關의 長은 그 發刊內譯을 지체없이 統計廳長에게 通報하여야 한다.<改正 99. 1. 29>

第19條(統計作成에 관한 협조) ①統計作成機關의 長은 第8條 또는 第9條第1項의 規定에 의하여 승인을 얻거나 協議를 한 統計를 작성하기 위하여 필요한 경우에는 關係統計作成機關의 長에 대하여 협조를 요청할 수 있다. 이 경우 협조 요청을 받은 관계 統計作成機關의 長은 특별한 사유가 없는 한 이에 응하여야 한다.<改正 99. 1. 29>

②第1項의 規定에 의한 협조에 소요된 經費는 다른 法令에 특별한 規定이 있는 경우를 제외하고는 협조를 요청한 機關이 부담함을 원칙으로 한다. 다만, 작성된 統計를 협조의 요청을 받은 機關에서도 活用하게 되는 경우에는 서로 協議하여 所要經費를 分擔할 수 있다.

第20條(權限의 위임·委託) ①中央行政機關의 長은 大統領令이 정하는 바에 의하여 이 法에 의한 權限의 일부를 所屬機關의 長·特別市長·廣域市長 또는 道知事에게 위임하거나 다른 行政機關의 長 또는 指定機關의 長에게 委託할 수 있다.

②特別市長·廣域市長 또는 道知事は 第1項의 規定에 의하여 위임받은 權限의 일부를 그 위임한 機關의 長의 승인을 얻어 市長·郡守·區廳長(自治區의 長인 區廳長을 말한다) 기타 所屬機關의 長에게 再委任할 수 있다.

第21條(豫算·人力 및 技術 등의 지원)①統計廳長은 統計의 발전을

위하여 매년 豫算의 범위안에서 統計作成機關이나 統計의 敎育 開發・分析 또는 弘報에 관한 사업을 하는 機關에 대하여 그 운영 및 사업에 필요한 經費의 일부를 지원할 수 있으며, 필요하다 고 인정하는 경우에는 일정기간 人力을 지원할 수 있다.

②統計廳長은 指定機關으로부터 統計企劃・調査實施・資料處理過程 등에 필요한 諮問이나 技術支援을 요청받은 경우에는 이에 적극 협조 하여야 한다.<新設 99. 1. 29>

第22條(미승인 統計作成등) 統計廳長은 指定機關이 다음 各號의 1에 해당하는 경우에는 指定機關의 指定을 撤回할 수 있다.

1. 第6條第2項(第7條第2項에서 準用하는 경우를 포함한다)의 規定을 위반한 경우
2. 第8條 및 第9條의 規定에 의한 승인을 얻거나 協議를 하지 아니하고 統計를 작성하거나 統計作成을 중지 또는 변경한 경우
3. 第15條第1項 및 第3項의 規定에 의한 協議를 하지 아니하고 統計結果를 公表한 경우
4. 第17條의 規定에 의한 標準分類를 사용하지 아니하거나 統計廳長의 同意를 얻지 아니하고 標準分類와 다른 分類를 사용한 경우
5. 削除<99. 1. 29>

第23條(罰則) 다음 各號의 1에 해당하는 者는 3年이하의 懲役 또는 1千萬원이하의 罰金에 處한다.<改正 99. 1. 29>

1. 第14條의 規定을 위반한 者
2. 統計作成을 위하여 蒐集된 개인 또는 法人이나 團體의 秘密에 속하는 사항을 허위 기타 부정한 방법으로 閱覽하거나 統計作成機關으로부터 제공받은 者

3. 統計作成機關에서 統計作成을 위하여 蒐集・보유・관리하고 있는 基礎資料를 변경 또는 抹消하거나 統計結果를 변경한 者
4. 統計作成機關의 長으로부터 統計作成의 目的으로 제공받은 개인 또는 法人이나 團體의 秘密에 속하는 사항을 그 目的외의 用途로 사용하거나 이를 他人에게 無斷으로 제공한 者<新設 99. 1. 29>

第24條(兩罰規定) 法人의 代表者 또는 法人이나 개인의 代理人・사용인 기타 從業員이 그 法人 또는 개인의 業務에 관하여 第23條 第2號 내지 第4號의 위반행위를 한 때에는 행위자를 罰하는 외에 그 法人 또는 개인에 대하여도 각 해당號의 罰金刑을 科한다.<改正 99. 1. 29>

第25條(過怠料) ①다음 各號의 1에 해당하는 者는 100萬원이하의 過怠料에 處한다.

1. 第10條의 規定에 의한 資料를 제출하지 아니하거나 허위의 資料를 제출한 者
2. 第10條의 規定에 의한 資料의 제출을 방해한 者
3. 第12條의 規定에 의하여 統計作成에 관한 事務에 종사하는 者가 행하는 檢査를 거부・방해 또는 기피하거나 허위의 調査資料를 제공하거나 허위의 陳述을 한 者

②指定機關이 다음 各號의 1에 해당하는 행위를 한 경우에는 200萬원이하의 過怠料에 處한다.

1. 第6條第2項(第7條第2項에서 準用하는 경우를 포함한다)의 規定을 위반한 경우
2. 第8條 및 第9條의 規定에 의한 승인을 얻거나 協議를 하지 아니하고 統計를 작성하거나 統計作成을 중지 또는 변경한 경우
3. 第15條第1項 및 第3項의 規定에 의한 협의를 하지 아니하고

統計結果를 公表한 경우

4. 第17條의 規定에 의한 標準分類를 사용하지 아니하거나 統計廳長의 同意를 얻지 아니하고 標準分類와 다른 分類를 사용한 경우

5. 削除<99. 1. 29>

③第17條第3項의 規定에 의한 統計廳長의 是正命令을 위반한 者는 300萬원이하의 過怠料에 處한다.

第26條(過怠料의 賦課節次) ①第25條의 規定에 의한 過怠料는 大統領令이 정하는 바에 의하여 中央行政機關의 長 또는 地方自治團體의 長(이하 “賦課權者”라 한다)이 賦課·徵收한다.

②第1項의 規定에 의한 過怠料處분에 불복하는 者는 그 처분의 告知를 받은 날부터 30日 이내에 賦課權者에게 異議를 제기할 수 있다.

③第1項의 規定에 의한 過怠料處분을 받은 者가 第2項의 規定에 의하여 異議를 제기한 때에는 賦課權者는 지체없이 管轄法院에 그 사실을 통보하여야 하며, 그 통보를 받은 管轄法院은 非訟事件節次法에 의한 過怠料의 裁判을 한다.

④第2項의 規定에 의한 기간내에 異議를 제기하지 아니하고 過怠料를 납부하지 아니한 때에는 國稅 또는 地方稅滯納處分の 예에 의하여 이를 徵收한다.

附 則

①(施行日) 이 法은 1996年 4月 1日부터 施行한다.

②(指定機關등에 관한 經過措置) 이 法 施行당시 종전의 規定에 의하여 지정을 받은 指定機關 또는 指定統計는 이 法에 의하여

지정을 받은 것으로 본다.

③(統計 및 統計刊行物에 관한 經過措置) 이 法 施行당시 종전의 規定에 의하여 統計廳長의 승인을 얻은 統計와 統計刊行物은 이 法에 의하여 승인을 얻은 것으로 본다

④(罰則에 관한 經過措置) 이 法 施行전의 행위에 대한 罰則의 적용에 있어서는 종전의 規定에 의한다.

附 則<99. 1. 29>

①(施行日) 이 法은 1999年 4月 1일부터 施行한다.

②(指定機關등에 관한 經過措置) 이 法 施行당시 종전의 規定에 의하여 지정을 받은 指定機關 또는 指定統計는 第4條第1項의 改正 規定에 의하여 지정을 받은 것으로 본다.

③(職權에 의한 指定機關의 指定解除) 종전의 第4條第1項의 規定에 의하여 統計廳長이 職權으로 지정한 指定機關은 이 法 施行日로부터 3月이내에 統計廳長에게 그 指定解除를 申請할 수 있다. 이 경우 統計廳長은 그 지정을 解除하고 이를 告示하여야 한다.