

**Austrian Federal Statistics Act 2000 (Comments)****Reasons for a new Federal Statistics Act**

A new Federal Statistics Act (FSA) was necessary due to the fact that a number of prominent problems were not covered by the existing Act, thus resulting in restraints on the adaptation of the statistical system. This especially applied to:

- the development of secondary statistics and the utilisation of administrative data
- the maintenance of the data register as the basis for execution of statistical surveys, and simultaneously as a substitute for these surveys; moreover to the regulation of the information inflow required for the maintenance of the register;
- the best possible degree of protection for the respondents as the permanent duty of official statistics.

A new FSA was also necessary because the self-image of the statistical services and the way in which these were anchored in the law had acquired a different quality. A major signal for this was the "Fundamental Principles of Official Statistics" of the ECE/UN, passed in 1992, being one of the first official codifying documents relating to the ethical and professional foundations for official statistics on an international level. Similar principles can be found in a number of more recent examples of national statistics legislation, and also in the EU Council Directive on Community Statistics of 1997. The declaration by the International Statistical Institute on professional ethics should also be mentioned in this context. Official statistics are no longer seen as a mere provider of data for political and administrative bodies, but also as an essential component of the "information milieu" in democratically constituted societies, and as a permanent official reminder of real situations, sizes and proportions. Statistics is an interconnected system of tasks and solutions, not merely the sum of individual surveys or projects. Topics such as "basic principles", "professionalism", "statistics as public property", i.e., as an open system for citizens and administrative bodies, can no longer be disregarded today when talking about official statistics. Many of these topics ought, in fact, to be reflected in the legislative description of the task of official statistics.

A new FSA was also necessary for the reason that many of the conditions for working with statistics in Austria had worsened over the last few years. As with most areas of the public service, the former Austrian Central Statistical Office had recently been stifled within a corset of cuts and restrictions, tightened additionally by a specifically devised reduction programme based on commercial analyses. The symptoms of a "downward spiral" were unmistakable. As these conditions could be expected to continue for a number of years, then at least the legal capacity for negotiations needed to be adapted in order to be utilised at a later date.

**New items about the Federal Statistics Act 2000**

One basic principle of the new act is the further legislative anchoring of statistics. The thicket of regulations brought about by the accession to the EU, particularly in the area of business statistics, continues on a national level, as not only primary

statistical surveys, but also the procurement procedures within the area of secondary statistics require the prior issuing of subordinate legislation. Exceptions only apply to surveys where participation is voluntary (e.g. special programmes within the micro-census). Furthermore, the new Act addresses in its first main part the "executive bodies of federal statistics" in the plural, thus providing for the possibility that other institutions besides the institution under public law of "Statistics Austria", whose chief task it is, may also be entrusted per federal act with some of the tasks of federal statistics, and therefore also made subject to the application of this Act.

Besides this, the following changes should be noted in brief:

- Determination of goals and principles, which are intended to bring the FSA up to the internationally achieved standard;
- Referral to all relevant EU legal norms as the general setting for national statistics
- An extension of the Act to the area of secondary statistics;
- Procedures for the keeping of registers, for acquiring data from registers and for the uniform use of classifications;
- The fundamental priority given to samples over full surveys;
- Additional requirements for reasons of data protection;
- Emphasis on minimising the burden on respondents, e.g. by providing information electronically;
- Extension of publishing requirements, in particular via internet;
- Extension of possible arrangements for outsourcing statistical surveys and other work, as well as in the implementation of EU co-financing;
- Regulation of scientific access to statistics data;
- Establishment of local responsibility/authority for administering punitive measures in accordance with the dwelling place principle (previously tied to the location of Statistics Austria).

Finally, those regulations affecting the establishment of the new federal institution, its executive bodies, its working methods, financing and the interim provisions (in particular for its staff) should also be mentioned. (These make up more than half of the new Act). The most important of these regulations are:

- For questions of a general nature, the Office of the Federal Chancellery remains the supervisory body; for matters concerning execution, the relevant Minister is responsible.
- The Institution has legal personality and is financed by the Federation in the form of an annual lump-sum payment.
- The Institution is a central establishment of Federal Statistics and, in the course of fulfilling its duties, is subject to particular ethical principles and

particular publication obligations, especially those concerning the free distribution of main results via Internet.

- The Institution provides its services in return for payment or reimbursement for costs.
- The executive bodies of the Institution comprise a Management Board consisting of a Director-General of Statistics and a Director-General of Finance, a Statistical Council (15 members, of these 8 representing the government and 7 representing other interest groups) for the statistical agendas and an Economic Council (12 members, of these 8 government and 4 union representatives) for the business agendas. As far as the duties, the constellation and the working method of the executive bodies are concerned, these are covered by numerous detailed regulations within the provisions of the Act (see below).
- A separate official workplace was established for the lifetime public servants of ÖSTAT (Bureau of the Austrian Central Statistical Office); contract staff continues to be covered by the relevant federal legislative norms. New staff taken on as of 1st January 2000 is subject to the Salaried Employees Act and a staff contract to be drawn up by the Institution.