

## **4 COVERAGE OF LEGISLATION.**

### **4.1 Introduction**

The debate on principles is straight forward compared to the debate on what the legislation should cover. Is it both the role and operation of National Statistics, what should be covered by the law and what delegated to a code of practice? As can be seen from Table 2 there is substantial support for allocating many elements to a code of practice. Much obviously depend on the experience of the country. Statistics release dates for example are obviously not a problem for many countries so can be safely allocated to a code of practice.

The date of the legislation is an important factor, prior to 1990 coverage was largely confined to authority to collect, confidentiality and penalties for non-compliance. Post 1990 the wider role of National Statistics has moved centre stage.

### **4.2 UN Handbook Selection**

The UN formulated ten principles for a statistical office in 1994 (Appendix 1)

- 1 Official statistics should be made available on an impartial basis to honour citizens' entitlement to public information
- 2 The need to retain trust
- 3 Requirement to facilitate a correct interpretation of the data
- 4 Entitled to comment on erroneous interpretation and misuse of statistics
- 5 Data may be drawn from all types of source including administrative records
- 6 Strict confidentiality rules
- 7 Transparency of operation
- 8 Co-ordination among statistical agencies
- 9 Use of international concepts, classifications and methods
- 10 Bi-lateral and multi-lateral co-operation

With the exception of principle 4 – comment on misuse – these principles are widely incorporated in recent legislation. Principle 1, in particular, is increasingly making its appearance, having been totally absent from earlier laws.

The Principles have been followed up by the third revision to the UN Handbook, which has been published in draft this year. The Handbook includes a review of the requirements underpinning a statistical agency, and a model law .

The points considered under Requirements for a Statistical Agency [see Appendix 4 for details] are:

- 1 Operation of a statistical office
- 2 Independence
- 3 Relevance
- 4 Credibility
- 5 Respondent policy

The requirement to provide information to the general public is again emphasised, a point reinforced in the section on Relevance, which tasks the statistical office with looking ahead to ensure that the statistics are made available for emerging policy interests. Statistical offices have been traditionally slow to catch up with external changes, eg. the rise of the service sector. Credibility is given such a prominent

position because the user needs to trust the data but cannot easily replicate official statistics. Credibility links with Independence. It is an essential part of it.

The main features of a law are taken to include: (see Appendix 5)

- 1 The powers and responsibilities of the statistical office
- 2 The main actors under the law, defining their rights and accountabilities
- 3 A short or long law
- 4 Deterrents and enforcement
- 5 Access to information protected by other laws
- 6 Legal advice
- 7 Special legal arrangements for decentralised systems
- 8 Financing the system
- 9 Sources of finance

The model law concentrates on:

- 1 The Chief Statistician – role and responsibilities
- 2 The Statistics Office – scope and organisation
- 3 The National Statistical Council - role and organisation. Its role and operation are set out in some detail including membership, meetings and reporting. (See also Note 3 on Statistical Councils)
- 4 Statistical operations and data collection
- 5 Confidentiality and penalties

## **4.3 Countries**

### **4.3.1 Scope**

The date of the Statistics Act is critical, as prior to 1990 Statistics Acts were largely designed to provide the authority to collect statistics and to reassure the public that the data were kept confidential. It is effectively only since the UN turned its attention to the Fundamental Principles – and that was several years before the formal announcement in 1994 – that the role of statistics in democratic debate has entered the lists. This timing has also coincided with the developments in IT that have made access to micro data and data linkage a real issue, and highlighted the restrictions imposed by earlier confidentiality laws.

Jacob Ryten notes in the UN Handbook that

‘Nowhere in the world is there a country that has vested in a single institution the responsibility to collect all the official statistics of a nation, Rather, statistical systems exist on a continuum. At one end stand those nations in which there exists a single institution that is responsible for most official statistics, including Canada, Australia and Mexico. The country next most representative of the other end of the continuum is probably the United States of America, which has numerous statistical agencies that are for the most part devoted to particular subjects – health, education, commerce, etc. Statistical offices come in all shapes and sizes. Some, such as Canada, have a very high visibility and have their identity sharply defined by statute. Others are nested within other organisations and exist chiefly to inform the governing body of that organisation’ [Although Italy makes a valiant try, see paragraph overleaf ] .

These comments are based on a Central Statistical Office but eloquently express the variation that occurs in the coverage of the statistical acts of different countries. Note 1 graphically illustrates the vary wide variations in coverage between countries.

The scope of National Statistics is again a variable between countries, although no law details exactly what is meant by meeting the needs of the public, the prevailing interpretation is based on making existing official statistics reliable and available rather than requiring the Statistical Office to identify and evaluate users requirements that are not met by current outputs. Italy however, is worth a mention for the enormous breadth of its coverage and perhaps an indicator of the way National Statistics may develop from Official Statistics in the UK. Administrative data is automatically included, it doesn't have to gain the National Statistician's imprimatur.

#### Article 2 of Italian Law *Organization of the National Statistical System*

1. The National Statistical System comprises the following bodies:
  - a) The National institute of Statistics (ISTAT);
  - b) The central and branch statistical offices of government departments and of autonomous authorities and concerns, created pursuant to Article 3;
  - c) The statistical offices of the Regions and Autonomous Provinces;
  - e) The statistical offices of individual or associated municipalities and of local health-care units;
  - f) The statistical offices of the Chambers of commerce, industry, handicrafts and agriculture;
  - g) The statistical offices, however designated, of public authorities and agencies, as identified pursuant to article 4;
  - h) Any other public statistical agencies and bodies as identified by Decree of the Prime Minister.

#### **4.3.2 Attitudes to Coverage**

The approach taken is to consider coverage from listings set out in the UN Principles and Handbook (4.2 above), the practice of selected countries as set out in their laws and the attitudes of respondents (to the survey questionnaire) on what they regard as important – Table 2. The divergence between countries in the elements covered by laws has already been referred to in 4.1 above. The Table in Note 1 gives a clear impression of just how widely countries differ. The main areas may be grouped under role and organisation – what the Statistical Office should do and how it should do it. Table 2 overleaf identifies some of the main points covered in legislation, together with the respondent's attitude rating. Respondents were also asked to indicate whether they preferred the point to be covered by legislation or a separate Code of Practice.

Brief observations include:

The high ratings given to 'authority to collect' and 'use of administrative data' are not surprising. Producing statistics is the main 'raison d'être' for a Statistical Office!

- The problems arising from confidentiality clauses are reflected in the very high ratings given to 'access to information protected by other laws' and 'access to micro data'.
- 'Impartiality' and 'the commitment to providing the public with statistics' are also in the top rating ranks. Statistical offices value their independence and have recognised the shift from . just serving the government's requirement for information to becoming part of the democratic decision-making infrastructure of the country. This is reinforced by the ratings for 'user consultation'

- 'Funding arrangements' are by far the lowest rated, surprisingly low given the importance of adequate funds for the effective operation of a statistical office. It is not sure whether this is the result of adequate funding or a recognition of political reality.
- The 'requirement to comment on misuse of statistics' – principle 4 of the UN list – has obviously not been taken up enthusiastically. Again, political reality is rearing its head.
- Codes of Practice rather than legislation received widespread support, especially for 'mission statements', 'user consultation mechanisms', 'respondent burden', 'release date practices' and 'comment on misuse'.

**TABLE 2 : Importance of Points covered by Legislation**

		Units/Rating Scale* and % respondents	
		Rating	Code of Practice %
Role	Commitment to providing the public with statistics.	4.7	-
	Impartiality/Objectivity.	5.0	20%
	Confidentiality arrangements.	4.8	10%
	Requirement to comment on misuse of statistics.	3.6	40%
	Concern for respondent burden.	4.0	50%
	User consultation mechanisms.	4.7	60%
	Mission of National Statistics Service/Office.	4.4	40%
	International cooperation obligation.	3.4	20%
	Publication of a Code of Practice.	3.8	-
	Statistics release dates practice.	4.0	50%
Organisation	Authority to collect statistics.	5.0	-
	Unification of statistical processes within the country.	4.1	10%
	Use of administrative data.	4.9	20%
	Special legal arrangements for relationship between NSO and devolved or decentralised official statistics units.	4.6	-
	Role of National Statistics Head.	4.4	-
	Procedure for appointing/dismissing NSH.	4.6	-
	Administrative responsibility for NSH i.e. reporting chain.	4.3	10%
	Procedure for planning & implementing statistical programme	3.3	30%
	Access to information protected by other laws.	4.8	-
	Access to micro-data.	4.9	10%
	Funding arrangements for NSO.	2.3	-
	Setting up of a Statistics Council.	4.4	-

**5 = very important; 1 = totally unimportant**

### **4.3.3 Key Elements in Legislation**

Some of the key elements in any proposed legislation are discussed below:

#### **4.3.3.1 Statistics Councils**

The main debating point is whether Councils are advisory or governing institutions, but whatever role they play the UN Handbook notes that they are growing in importance. (See Appendix 4) Whether advisory or governing, the overwhelming impression is that Councils co-operate closely with the National Statistician and are actively involved in planning the statistics programme. In all the Councils identified, the National Statistician is either in the Chair or attends as a right. Supporting the Statistical Office against Ministers in budget discussions was frequently mentioned in conversation. There is no doubt that National Statisticians are enthusiastic about Councils, as the following comment from France indicates:

‘We consider that the Conseil National de la Statistique has been a success story. It has considerably improved the knowledge on statistical information by users, and consequently made the latter able to give an informed advice on the preparation of statistical programmes: sometimes, some surveys or statistical studies are launched at the suggestion of the CNIS (it was recently the case in the domain of poverty and social exclusion); it has changed producers’ mentality, and gave a great visibility and transparency to statistical activities.’

and from Italy:

‘The Higher Statistics Council is, in fact, the key element of the national statistical system’.

The CNIS was created by specific legislation and is probably the most comprehensive of all Statistics Councils. The Mission Statement on their web page [see note 2] indicates just how wide is their role. Especially challenging is their claim to be the main source of information on statistical work in France.

The Italian Council is the linking body of a tri-partite system, the other two being the Committee for Directing and Co-ordinating Statistical Information [COMSTAT] and the Commission for Guaranteeing Statistical Information.[CGIS] See note 3 for details.

Councils perform several functions, including at one extreme in the Dutch model, responsibility for determining the statistical programme, which is then carried out by the statistical office. The Council was set up in 1896, and the Statistical Office was spun out of the Council 3 years later. A change in the Dutch constitution during the nineteen eighties required that the Central Commission for Statistics be given a formal legal status as all permanent commissions with an independent status had to be given a legal foundation.

The Austrian Statistical Council (15 members) is responsible for monitoring the quality and objectivity of the statistical work of Statistics Austria. The scientific control by this body should ensure the practical implementation of the high standards set. The responsibilities of the Statistical Council also comprise recommendations concerning the co-ordination of statistical activities at the national level and recommendations concerning planned statistical projects of the European Union

(Article 47 of the Austrian Federal Statistics Act 2000). Once a year the Statistical Council presents an activity report which has to be forwarded by the federal government to the national parliament. There is also an Economic Council (12 members) which is accountable for all business-related controlling and monitoring rights (Article 52). It is set up in a similar way as a supervisory board.

The Spanish Law is of interest as it only covers the Council and describes the role, form and operation of their Council in great detail [see appendix 13]

Norway does not have a Statistics Council but a Board appointed by the Cabinet, supported by 30 advisory committee based on subject matter area. A Council is being considered but it will only be a co-ordinating body of major producers of official statistics.

Finland abolished its Council some 15 years ago, but is now relenting. They commented. *'Nowadays there is no Statistical Council in Finland. It was abolished about 15 years ago because the Council was considered too formal and insufficient to satisfy the varying needs of modern statistics. The Council was replaced by a co-operative network which is maintained both at the expert level and by having management level negotiations when necessary. Several advisory co-operative groups of permanent nature have also been set up by Statistics Finland (e.g. Scientific Advisory Group, Co-operation Group for Official Statistics on EU matters, Co-operation Group with Finnish Business and Industrial Associations, as well as various other steering and advisory groups of different statistical fields and projects). Depending on the mandate of the groups they are composed of representatives of data providers, users of statistics, relevant research institutions, universities and other government authorities. Next year [2003] there will be a new Advisory Council (8 members) set up by the Ministry of Finance (this Council will be based on the Decree on Statistics Finland). The tasks of this Council are still under discretion but they probably relate to the strategic management of Statistics Finland.'*

The prevailing position however is that the National Statistician develops the programme with the council or presents the programme to the council for approval. The UK is unique in the arms length relationship to the National Statistician.

The composition of the councils vary widely in size and so does the mix of members. Some seem to be little more than a coordinating point for various Government departments, where as others are based on individuals and/or representatives of Users.

Note 3 describes the role and composition of the Statistics Councils of a range of countries.

#### **4.3.3.2 Funding**

'Budget cuts (that reduce the availability and quality of statistics) and political appointments are the two most important threats to the independence of National Statistics' (a quote from an earlier Head of the Spanish Statistical Office). With few exceptions, statistical offices throughout the world have funding problems, which could inhibit the implementation of their role in developing statistical data for democratic debate. If the hopes for National Statistics are to be fully realised, then the funding nettle must be grasped. National Statistics cannot expect a blank cheque, and it is a challenging assignment to find some formula for balancing costs and benefits that can be incorporated in the legislation. The Dutch example is a

cautionary tale. In 1999, the centenary year of their first Official Statistics Act, budget cuts threatened both strike action and the boycotting of the reception to mark the occasion, attended by Queen Juliana could be about to change as the new Statistics Act now going through Parliament will introduce an accrual accounting system.

The impact of budget cuts on quality is only too well known in Britain. The Lawson budget of 1987 boosted consumer purchases in the mistaken belief that there was surplus capacity in the economy. There wasn't, and the rest is history.

The Canadian example could be a starting point. Statistics Canada is treated at arm's length by the minister and the government. While the government establishes the total budget, the work programme is adjusted to meet that budget, determining how best to use its ongoing funding. Additional funds are granted for specific purposes, which have to be satisfied in the short term. In the long term, if the funds continue, they become part of Statistics Canada's base budget available to be used in the best interests of Canada's statistical system as a whole.

Brief comments on budget determination for other countries are set out below:

**Australia:** Budget fixed by Government and work programme adjusted to meet budget

True statutory independence implies that National Statistician takes account of the statistical requirements of the whole community, not just the Government.

**Austria:** On the one hand there is a basic budget fixed by the Federal Statistics Act 2000 related to the basic work programme (projects based on international and/or national regulations/laws); additional financing of additional (new) projects not included in the basic budget by clients;  
yearly budget based on the annual work programme (including the basic work programme and additional statistical projects) agreed with the Economic Council.

**Canada:** Budget fixed by Government and work programme adjusted to meet budget

Statistics Canada determines how best to use its ongoing funding. Additional funds granted for specific purposes have to satisfy those purposes in the short term. In the long term, if the funds continue, they become part of Statistics Canada's base budget available to be used in the best interests of Canada's statistical system as a whole.

**Denmark:** Budget fixed by Government and work programme adjusted to meet budget.

**Finland:** In Finland the approval of the budget is regulated by a specific Budgetary Law which is applied to all Government Authorities. Statistics Finland prepares its proposal to the Ministry of Finance. On the basis of the proposals of the Ministries the Government prepares its proposal to the Parliament which decides on the budget.

**France:** NSO prepares and Minister approves budget fixed by Government and work programme adjusted to meet budget.

The Budget of INSEE and other statistical services is determined exactly in the same way as for the other parts of the French Civil Service : it's prepared by each service

in tight liaison and negotiation with the Direction du Budget; our minister (the Minister of Economy, Finances and Industry) presents it to the Parliament for discussion and adoption. This budget is not very detailed and there is no strong connection with the work programme when discussing by the Parliament.

**Ireland:** NSO prepares and Minister approves

The D-G, with advice from the NSB, decides on priorities. Corporate Plans are published every 3 years – with annual Progress Reports.

**Netherlands:** Historically the budget is fixed by Government and work program adjusted to meet budget. The new law before Parliament will review the budget in parts . 1/ + inflation. 2/ + new EU legislation. 3/ + or – based on a substantive position prepared by the Government on the budgetary consequences of the [5 yearly ] multi annual statistical program . The comment by the CBS is *“time will show if this is to our benefit”*

**Norway:** NSO prepares and Minister approves

Budget fixed by Government and work programme adjusted to meet budget  
Work programme can lead to increased budgets, but has to be adjusted to meet budget as well

**Poland:** Budget based on work programme agreed with Ministers and accepted by the government as a project, then presented to the Parliament, which votes the Budgetary Law every year

**Portugal:** Budget based on work programme agreed with Minister

**Sweden:** Budget fixed by Government and work programme adjusted to meet budget

**USA:** Each head of a statistics office in the U.S. system prepares their budget, the Cabinet Secretary, in our case the Secretary of Agriculture, may amend or approve it. From there it goes to the President's Office of Management and Budget where it is again subject to being amended or approved. Then it goes to Congress for their revisions and approval.

#### **4.3.3.3 The National Statistician**

The National Statistician is the key player in ensuring that National Statistics fulfil the high hopes placed on them. The more independence given to the National Statistician however the more attention that needs to be placed on how he /she implement their role as the public face and voice of National Statistics. In particular in determining the scope of National Statistics and the development of a new product policy. Will it follow the St Peter principle - whatever the NS binds shall be considered a National Statistic and the rest cast into outer darkness or are there checks and balances?

In reviewing his/her role several factors may be considered:

- 1 Managerial independence
- 2 Professional autonomy [program, methodology, dissemination]
- 3 Line responsibility



**Managerial responsibility:** The line reporting function to the Minister is very much an arms length control, especially in countries such as the Netherlands whose new law will include the formal foundation of Statistics Netherlands as an independent executive agency, with a legal personality .

The natural question is if the Minister isn't providing day to day control who is? and is this sufficient?

**Professional Autonomy:** Virtually all the laws and all the comment stress that this is most critical element in independence embracing as it does programme planning, methodology and dissemination policy. There is an overlap with Statistics Councils (4.3.3.1 above) where the various procedures are documented. Practice varies, but in many countries the degree of supervision is limited suggesting that this is another area for careful study.

**Line responsibility:** The majority of National Statisticians report to some variation of an economics minister, the natural result of the emphasis on national accounts and economic statistics. Given, however, the changing role of a statistical office, should consideration should be given to a more neutral reporting structure and in several countries it is the Prime Minister. If statistics are to develop their full potential as an aid to decision making, both for the government and the public, then the National Statistician should be involved in the decision making process at the earliest and highest possible stage. Again, the Canadian experience shows the way forward. Their Statistics Act provides blanket access for Statistics Canada to all records held by government. The role of the Chief Statistician is fully outlined, with particular emphasis being placed on his position within the government hierarchy with the rank of Deputy Minister (non political). As a result of his rank the Chief Statistician participates in weekly meetings with ministers, providing both personal and official access to the highest levels of decision making.

The reporting chain, appointment and dismissal procedure for selected countries, as reported in the questionnaire, is given below. As usual there is a wide variation between countries.

**Australia:** Reports to the Minister in Treasury portfolio.

Appointment approved by Minister based on recommendations of independent panel. The panel should include a "community representative".

**Austria:** Head reports to the Economic Council and to the Statistical Council which is responsible for monitoring the quality and objectivity of the statistical work of Statistics Austria. [see section on Statistics Councils for further detail]

Head selected by independent panel from applicants applying to national advertisement; appointed by the Federal Chancellor; composition of panel: Federal Chancellery, external consultants, members of the works council.

**Canada:** This is somewhat complex in Canada: head reports to Parliament via the Minister of Industry, but performance is appraised by the head of the Public Service on behalf of the Prime Minister. Authority to appoint and dismiss is by the head of the Public Service on behalf of the Prime Minister.

Selected technically by the Prime Minister, but on the recommendation of the Head of the Public Service.

**Denmark:** The Danish NSH reports to the Minister of Economic and Business Affairs.

The Danish NSH is selected by the minister having consulted Board of Directors (Statistics Council)

**Finland:** Reports to Minister of Finance.

NSH is appointed by the Government on the proposal of the Minister of Finance

**France:** Even if he/she is not officially and legally the Head of the National Statistical Service, the Director general of INSEE is considered as such; he reports to the Minister of Economy, Finances and Industry (INSEE is a general Direction within this ministry) ; each head of a statistical service outside of INSEE has in some way to report both to his/her own hierarchy within his/her ministry and to the Director General of INSEE.

The NHS (the Director General of INSEE) is appointed as any other Director General or Director in the Civil Service. He/she is appointed by the Council of Ministers (chaired by the President of the Republic) on the proposal of the Minister of Economy, Finances and Industry. But we cannot consider this appointment as a "political" appointment; moreover, "spoil system" is not a French tradition. For instance, Edmond Malinvaud was appointed in 1974 (President: Valéry Giscard d'Estaing - Prime Minister : Jacques Chirac), but he remains at his post after the election of François Mitterrand, even after the right won the legislative ballot in 1985. Paul Champsaur was appointed in 1992 (President: François Mitterrand - Prime Minister : Pierre Bérégovoy, Socialist Party) and remained at his post when the right won the legislative ballot in 1993, and remained also when Lionel Jospin won in 1997 and still remains after Jospin's defeat !

The heads of statistical services outside INSEE are appointed by their respective ministers (not by the Council of Ministers) on recommendation from the Director General of INSEE.

**Ireland:** The Prime Minister – who usually devolves to a Junior Minister.

An advertisement is placed within the Civil Service and the “Top Level Appointments Committee” submits 3 names to Government following an interview process. The D-G is appointed by the President of Ireland on the nomination of the Prime Minister.

**Netherlands:** The Minister of Economic Affairs (administrative and legal affairs, including the budget) and to the Central Commission for Statistics (statistics matters, including priorities give the budget available).

The Central Commission for Statistics makes an almost binding professional recommendation to the Minister of Economic Affairs.

**Norway:** The Permanent Undersecretary of the Ministry of Finance

The post is advertised in the press and the NSH is formally appointed by the King, i.e. the Cabinet (the proposal being made by the Minister of Finance).

**Poland:** The President of the Central Statistical Office is appointed for 6 years term of office by the Prime Minister, after consultation with the Statistical Council

**Portugal:** Reports to the Prime Minister  
Appointment by Parliament under Prime Minister proposal

**Sweden:** The NSH is appointed by the Government.

**USA:** Appointed by Undersecretary for Research and Economics who reports to the Secretary  
Selected by the minister acting independently

#### **4.3.3.4 Release dates**

The pattern varies. In the USA there are no exceptions- everyone is equal as in the new Austrian Law and the balance is towards a more highly restricted access regime than in the UK. Not all legislation covers release practice. In some countries such as Denmark it is left to 'practice' and 50% of the respondents to the questionnaire considered a 'code of practice' adequate. Examples from countries responding to this survey are given below.

**Australia:** A Minister and supporting Departmental staff are allowed pre-embargo access to the publication where it is expected that they would need to make public comment soon after release. This is limited to a relatively small number of publications. Early release is 3 hours prior to embargo time.

**Austria:** No one is entitled to early release; no preferences given to political decision makers in their access to information: obligation to publish the results of statistical surveys and to inform the responsible federal minister on the results simultaneously.

**Canada:** In addition to the legal provisions, a strong tradition has evolved: Statistics Canada is treated at arm's length by the Minister and the Government. Successive governments confirmed, and reconfirmed – from the Prime Minister's office – that statistical information is made available by Statistics Canada to all members of the public at the same time; however, a pre-release is made to a limited number of designated senior officials in the departments for purposes such as the orderly management of money markets.

A limited number of designated officials for 12 key series at 2:00 pm the day before release (at 7:00 am or 8:30 am) in order to prepare appropriate responses for Ministers. The Head of the Public Service must approve each case of pre-release. Only four offices have been approved for pre-release privileges for one or more series (Privy Council Office, Finance Canada, Human Resources Development, and Bank of Canada). In the approved cases, pre-released information may be passed to the corresponding Minister's office no earlier than after 5:00 pm the day before release.

**Denmark:** The act includes no provisions related to data release. Danish practice is to release data at the same time for all users.

**Finland:** Statistics must be made accessible to all users at the same time. The Statistics Act prescribes that all statistics shall be published as soon as possible

upon completion. It is also prescribed that statistics which may influence the operation of financial markets (insider statistics) must not be released to anyone prior to the official date of publication (Statistics Finland release calendars), but all users must receive the information at the exact time indicated in advance. In practice the same principles are applied to other statistics as well. The Directors of the Units decide on the release of statistics.

**France:** The tradition is that the concerned ministers are informed on the most important statistical results (price index, external trade, unemployment, ...) a little bit in advance, but never more than 1 (one) hour in advance. This situation is known by the media.

**Ireland:** We give advance access of 1 hour in the case of a few important series; this is extended to 48 hours for the Annual National Accounts. These advance access arrangements are published nationally and in the IMF SDDS.

**Netherlands:** No one is entitled to early release. A minor tradition of early releases (one day to one hour at max) for certain statistics to certain Ministers is in the process of being cut down.

**Norway:** No one has prior access.

**Poland:** There is no such an authority for early release.

**Portugal:** National Statistics Head decides with a timescale of 5 hours, without any variation by statistical series

**Sweden:** The head of a unit decides on questions concerning release and the timescale varies by statistical products.

**USA:** No one, not even the Secretary of Agriculture or the Office of the President. In extreme cases where the data are needed before release for a major policy decision, we change the release date so that everyone still gets it at the same time. There cannot be any exceptions to this policy if the statistics office is to maintain its credibility and trust for objectivity.

#### **4.3.3.5 Role of Statistical Office**

“Official statistics are no longer seen as a mere provider of data for political and administrative bodies, but also as an essential component for the information milieu in democratically constituted societies and as a permanent official reminder of real situations, sizes and problems. Statistics is an inter-connected system of tasks and solutions, not just the sum of individual surveys or projects. Topics such as ‘basic principles’, ‘professionalism’, ‘statistics as public property’, ie. 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, be reflected in the legislative description of the task of official statistics.” This statement in the Austrian Statistics Act 2000, is an excellent summary of the changed role of a statistical office. We have moved a long way from just collecting data for government.

The USA does not have an over-riding Statistics Act but it has set out the 'Principles for a Statistical Agency to link all the parts. The commitment to the public is shown by the extract below. See Appendix 6 for full text.

A federal statistical agency must be in a position to provide **information relevant to issues of public policy**.

An agency not only supplies information for the use of immediate managers and policy makers in the executive branch and for legislative designers and overseers in Congress, but to all those who require statistical information on public issues, whether the information is needed for purposes of production, trade, consumption, or participation in civic affairs. Just as a free enterprise economic system depends on the common availability of economic information to all participants, a viable, democratic social system depends on wide access to information on education, health, transportation, the economy, the environment, criminal justice, and other social concerns.

Federal statistical agencies are responsible for providing statistics on conditions in a variety of fields. **The resulting information is used both within and outside the government itself, not only to delineate problems and, sometimes, to suggest courses of action, but also to evaluate the results of government activity or lack of activity. The statistics provide much of the basis on which the government itself is judged.** Federal statistical agencies should strive to meet the heavy responsibility for impartiality and objectivity that this role places on them.

Ivan Fellegi, in his 1995 Morris Hansen Lecture, makes the highly relevant observation that 'the Chief Statistician participates in weekly meetings of Ministers, providing both personal and official access to the highest levels of **decision making**, invaluable for a full appreciation of evolving issues, so that Statistics Canada can maintain the relevance of its **product line**, plus the opportunity to demonstrate the relevance of statistical information'. Two very unusual phrases for a statistical office – product line and decision making. Statistics Canada is obviously not just a passive producer of statistics. Fellegi's observations refer principally to government policy, but they should be viewed as a forerunner of similar product lines for users outside government. The text of the lecture is given in Appendix 7. and the Companion Guide to the Canadian Statistics Act in Appendix 8.

This new role was probed by asking the question '*are there plans to develop new statistical on series to underpin debate issues of public concern*'. Once again Canada leads the field, but it is obvious that such programmes are in their infancy. We are back to the question of funding. Most offices are hard pressed to maintain their current outputs.

The approach of selected other countries is given below:

**Australia:** Our programs are continually reviewed to ensure that they are relevant to the issues of the day. Dennis Trewin provides a comprehensive review of the ABS Appendix 11.

**Canada:** Statistics Canada works closely with other Government departments to understand emerging policy issues on the horizon and to identify gaps in the information base needed to assess policy alternatives in those domains. Initiatives and proposals to fill such information gaps are jointly sponsored with Policy

departments. However, all issues related to design and execution, including questionnaire content, are the responsibility of Statistics Canada. All such surveys are subject to Statistics Canada policies, including its policy on public release.

**France:** There is no specific programme but of course INSEE is trying to react as soon as possible to meet new needs of the society. Debates within the CNIS may be very helpful to this end.

**Ireland:** In conjunction with the National Statistics Board, we are in the middle of an extensive process to scope the medium term social policy requirements. I have arranged that a strong supporting signal was issued by the Prime Minister and Treasury Departments.

**Netherlands:** We have earmarked part of our budget for a series of strategic research initiatives and consult amongst others the National Science Foundation on implementation.

**Norway:** **Statistics to enlighten issues which we think (in advance) will be discussed during the election campaign (2003) are planned to be released** every work day in the three weeks before the election . We have been doing this for the two last elections, with some success.

**Portugal :** Such a programme must be based on the results of a periodical survey on the needs of statistics users.

**Sweden:** The position could change as we are in favour of making official statistics as relevant as possible to public debate.

**USA:** Yes, we have annual data user forums open to the public where they can express concerns about our data products and suggest changes or need for new products. See the NASS web site for agenda announcements..

#### **4.3.3.6 Quality Assurance**

Quality is highly regarded, but rarely specifically included in legislation, especially earlier legislation. Statistical offices universally regard quality assurance as their own responsibility, although there are references to external monitoring by a Statistical Council.

#### **4.3.3.7 Research Capability**

The practice varies widely between countries. At one extreme there are those statistical offices that believe they are compromising their independence by adding their own gloss to the figures. The alternative view is that research and analysis increases the value of statistics and that the feedback from research enhances quality. Research can also help to ensure that statistics are relevant – actually answering the real question. This illustrates the wider image problem that haunts statistics in general. Hospital waiting lists statistics may have been accurate within the narrow confines in which they were defined, but if they disguise the real problem then they fall into disrepute. The real debating point was not hospital lists per se, but

waiting time for the patient before treatment – as the National Audit Office demonstrated in their report.

The French, Italians and Canadians are strong supporters of attaching a research capability to a statistical office.

Comments in response to the question '***should a statistical office incorporate a research function***'? include:

**Australia:** We don't support a research function. The analysis is primarily to ensure that the statistics are understood and can be interpreted correctly. We support research/analysis by others in a variety of ways but avoid getting involved in work where our political objectivity might be questioned.

**Austria:** It should incorporate analysis and forecasts.

**Canada:** An internal research and analytic capacity is essential for a statistical agency to understand its own data, what problems users face, and gaps and weaknesses in its statistical programs. (See paper on Characteristics of effective statistical systems. Appendix 7)

**Denmark:** A research function should be a possibility but not an obligation.

**Finland:** Research function is needed to the extent which is necessary to guarantee high quality and reliability of statistics

**France:** The INSEE's tradition is a strong activity in studies and research in economy; for instance, INSEE is involved in economic prognosis (in competition with a lot of other public or private offices) and INSEE is making the "business surveys" that are very often made by the private sector in other countries (in Germany for instance). This part of INSEE's activities are often more known by the public than the "traditional" statistical activities, which sometimes may be a problem for INSEE's image.

**Ireland:** A research function is not required to ensure that Official Statistics are relevant, but I support the publication of more analysis by NSOs.

**Netherlands:** The Dutch legal mission refers to statistical research. The NSO's mission necessarily implies a research function to such an extent that there is no need to state it explicitly and separately in the law. Within the Netherlands we have several (traditionally so called) planning agencies and government think tanks that use statistical information and use it for analyses, evaluations, and forecasts. In other countries these functions are sometimes taken care of by the NSO, sometimes by other (e.g. private) organisations.

**Norway:** Research and analysis increases value of statistics. Feedback from research should enhance quality (like feedback from users in general).

**Sweden:** Statistics Sweden do not have a research function, however one of the obligations of the Council for Official Statistics is to deal with fundamental questions regarding the usefulness of statistics.

**USA:** Yes, there needs to be some process so the statistics office is informed of emerging issues. It was because of our work with data users that we now publish the area planted to genetically modified crop varieties.

#### **4.3.3.8 Confidentiality**

Confidentiality is one of the core elements of all statistical systems essential to gaining and keeping the trust of respondents and form fillers . Severe problems however have emerged over the years as confidentiality clashes with access to data and can inhibit the full use of that data. Various attempts at compromise have been implemented, mainly by inserting exclusion clauses Sometimes as has already been noted in the case of Ireland by passing a new Law ! Many countries pick out confidentiality for special treatment. The Italian Act sets up a separate Commission for the Protection of Statistical Information [see Appendix 9 ] The French have passed a special Decree in 1984 also setting up a similar Committee whose powers include adjudicating on requests for access to data. Appendix 10 describes the working of the Decree together with a broader view of confidentiality.