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Statistics Act of Liberia

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- Whereas, the Government of the Republic of Liberia recognizes that the existing National Statistical System lacks coordination in data collection and compilation and that this has an adverse impact on the delivery of reliable, comprehensive and coordinated national socio-economic statistical and spatial data on a regular and timely basis; and
- Whereas, the required statistical information has been lacking, government decision-making may lead to inadequate policies, and subsequently to poor resource management and disenfranchisement of certain population groups; and
- Whereas, access to reliable statistical and spatial data enables the development of efficient, transparent and accountable management of resources and governance and the functioning of democracy; and
- Whereas, the demand and need for such statistical and spatial information and services from an independent and credible source has never been greater in Liberia than now, and
- Whereas, reliable statistical and spatial data will also help in the efficient and effective management of the environment and other resources critical to Liberia's reconstruction; and
- Whereas, the establishment of an autonomous agency of government to supply the reliable statistical and spatial data, including data acquisition, analysis, geo-information and communication to meet the demands of domestic and international clients; and
- Whereas, such an agency will consolidate the Liberian capacity for development, transparency and accountability, thereby providing a stable structure for informed decision-making and good governance for the future of Liberia; and
- Whereas, the Republic of Liberia considers strategic partnership building and networking between producers and users of statistics and geo-information conducting country analysis, research, surveys and specialized studies, as the surest means for information-sharing on lessons learned and good practices, maximizing investments and achieving sustainable outcomes in these areas; and
- Whereas, further, the Government of Liberia recognizes that the present undertaking is a collaborative effort of all stakeholders to facilitate the establishment of an autonomous and accountable Liberia National Institute of Statistics that will ensure the production and dissemination of accurate and timely statistical and geo-information on Liberia for strategic advocacy, policy development, monitoring of trends and mobilization of resources for full implementation of National Development Programmes.

NOW, THEREFORE,

It is enacted by the National Transitional Legislative Assembly:

Part I GENERAL

Short Title: This Act shall be known and cited as the National Statistics Act.....

1. Definitions

In this Act,

- 'President' means the President of the Republic of Liberia.
- 'Cabinet of Ministers' means the Cabinet of Ministers of the Republic of Liberia as mentioned in article 54 a of the Constitution;
- 'Government' means the Executive of Liberia, including ministerial departments, agencies and other executive bodies under the authority of the President or Ministers of the Cabinet;
- 'Statistics' means aggregated data and numbers derived from such data as, for example, averages;
- 'National Statistical and Spatial Information System' means all ministries and agencies of the Government of Liberia, and relevant other national and international parties involved in the gathering of statistical and spatial data, directly or indirectly, through surveys, specialized studies, country analysis, or through administrative actions;
- 'Council' means National Statistical Council of Liberia;
- 'Chief Statistician' means the Director-General, the highest-ranking statistical professional in Statistics Liberia;
- 'Statistics Liberia' means the National Statistical Institute of Liberia;
- 'Department' means any department, board, bureau, agency or other division of the Government of Liberia or of the government of an administrative division or any agency of either;
- 'Respondent' means a natural or legal person in respect of whom or in respect of whose activities any report or information is sought or provided pursuant to this Act;

2. Chief Statistician

The President of Liberia, at the recommendation of the Council and the Cabinet of Ministers, shall appoint an officer called the Chief Statistician of Liberia to hold office for a renewable, fixed term of four years.

3. Duties of the Chief Statistician

The duties of the Chief Statistician shall be:

- (a) Supervise the execution of the work programmes of official statistics in Liberia;
- (b) Advise on matters pertaining to statistical programmes of the departments of the Government of Liberia, and confer with those departments to that end;
- (c) Decide on the manner in which data for statistical purposes are collected, how they are compiled and when and how statistics are published;
- (d) Supervise the administration of this Act and control the operations and staff of Statistics Liberia;
- (e) Represent Liberia in international statistical meetings or designate one or more staff members of Statistics Liberia to do so.

4. Statistics Liberia

There shall be a National Statistical Institute of Liberia, to be known as Statistics Liberia, the duties of which are:

- (a) To collect, compile, analyze and publish statistical information relating to the commercial, industrial, financial, social, economic, environmental and general activities and the condition of the people;
- (b) To collaborate with departments of government and others in the collection, compilation and publication of statistical information, including statistics derived from the activities of those departments and other parties;
- (c) To promote the avoidance of duplication in the information collected from respondents by departments of government;
- (d) To promote and develop integrated statistics pertaining to the whole of Liberia and to each of the regions thereof;
- (e) To establish a system of statistical classifications and standards for Liberia, consistent with international classifications and standards.

5. Work plan, release calendar and annual report

- (a) Three months before the beginning of each new fiscal year, the Chief Statistician shall submit to the Council a work plan for the next fiscal year, setting out all major statistical collections and planned publications, as well as estimates of expenditure and revenues related to this;
- (b) At the beginning of each new fiscal year, the Chief Statistician shall publish a calendar of the most important releases of new statistics in that fiscal year;
- (c) Within three months after each fiscal year the Chief Statistician shall present a report to the Cabinet of Ministers with regard to the activities of Statistics Liberia, and statistical activities of departments, in the preceding fiscal year.

Part II GOVERNANCE

6. National Statistical Council

(a) There shall be a National Statistical Council whose role is to:

1. Monitor the development and functioning of the National Statistical and Spatial Information System, taking into account gender, geographic and environmental, and human development considerations;
2. Approve the respective programmes of activities of Statistics Liberia and other contributors to the National Statistical and Spatial Information System;
3. Nominate the Director-General of Statistics Liberia and the Deputy Directors-General when any of these positions falls vacant;
4. Approve Statistics Liberia's Annual Budget before submission thereof to the Cabinet of Ministers;
5. Determine, from time to time, Statistics Liberia's structure, staffing levels and terms and conditions of service;
6. Comment on the annual report that the Chief Statistician submits to the Cabinet of Ministers; its comments shall be added to this report.

(b) The President shall appoint the Chair of the Council, for a renewable fixed term of four years;

(c) The Cabinet of Ministers shall appoint the Members of the Council, initially for twice renewable fixed terms of two, three or four years respectively; the Members shall have staggered retirement dates;

(d) New Members of the Council shall be appointed by the Cabinet of Ministers, on the recommendation of the Council;

(e) Members shall only be suspended or dismissed for unsuitability or incompetence for the position filled or for other serious reasons pertaining to the person of the individual concerned; the members may also resign;

(f) The Chief Statistician shall be an *ex officio* full voting member of the Council;

(g) The Council shall meet at least four times a year;

(h) The Council may set up subcommittees and ad hoc advisory groups;

(i) The Council shall have 9 members, representing the most important user groups of official statistics, in particular government departments, the business community, international organisations, civil society and academia;

(j) The members of the Council are entitled to compensation, to be determined by the Cabinet of Ministers; apart from this compensation and the reimbursement of exceptional expenses in connection with their position the members of the Council shall not receive any income from Statistics Liberia;

(k) The Council's Rules of Procedure shall be approved by the Cabinet of Ministers.

7. Statistics Producers Coordination Committee

(a) There shall be a Statistics Producers Coordination Committee whose role is to:

1. Advise the Chief Statistician on statistical work programmes;
2. Advise the Chief Statistician on any other statistical issues;
3. Promote coordination of all statistical activities statistics by government agencies in Liberia and other contributors to the National Statistical and Spatial Information System;

(b) The Committee shall be chaired by the Chief Statistician;

(c) The Committee shall meet at least four times a year;

(d) The Committee may set up subcommittees and ad hoc advisory groups;

(e) The Committee shall have at least 15 members, representing the most important contributors to the National Statistical and Spatial Information System;

(f) Members of the Committee shall be appointed by the Council, at the recommendation of the Chief Statistician;

(g) The members of the Committee are not entitled to compensation;

(h) The Committee's Rules of Procedure shall be approved by the Council.

Part III STATISTICAL OPERATIONS AND DATA COLLECTION

8. Statistical personnel

(a) The Chief Statistician may employ such commissioners, enumerators, agents or other persons as are necessary to collect for Statistics Liberia such statistics and information as the Chief Statistician deems useful and in the public interest relating to such commercial, industrial, financial, social, economic and other activities as the Chief Statistician may determine, and the duties of the commissioners, enumerators, agents or other persons shall be those duties prescribed by the Chief Statistician;

(b) The Chief Statistician may recruit personnel not regularly employed by Statistics Liberia to perform statistical duties;

(c) Any persons retained under contract to perform statistical services for the Chief Statistician 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.

9. Sharing of information

(a) The Chief Statistician may enter into an agreement with any department or municipal or other corporation for the sharing of information collected from a respondent.

(b) Such an agreement shall provide that:

1. The respondent be informed by notice that the information is being collected on behalf of Statistics Liberia and the department or corporation, as the case may be; and

2. Where the respondent gives notice in writing to the Chief Statistician that the respondent objects to the sharing of the information by Statistics Liberia, the information cannot be shared with the department or corporation unless the department or corporation is authorized by law to require the respondent to provide that information.

10. False or unlawful information

Every person who, without lawful excuse:

(a) Refuses or neglects to answer, or willfully 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 practices 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 exceedingor to imprisonment for a term not exceedingor to both.

11. Refusal to grant access to records

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 organisation, from which information sought in respect of the objectives 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 willfully 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 exceedingor to imprisonment for a term not exceedingor to both.

12. Coding and forms

(a) Coding system for goods

(1) The Chief Statistician shall establish a coding system for goods imported into and exported from Liberia to enable the collection, compilation, analysis and publication of statistics in relation to those goods.

(2) For the purposes of this Act, the Minister of Finance shall cause to be sent to the Chief Statistician returns of imports and exports into and from Liberia and details of the means of transportation used therefor.

(b) Forms for statistical data

Instead of or in addition to using agents or employees for the collection of statistics under this Act, the Chief Statistician may prescribe that a form be sent to a person from whom information authorized to be obtained under this Act is sought. A person to whom such a form is sent shall answer the inquiries thereon and return the form and answers to Statistics Liberia properly certified as accurate, not later than the time prescribed therefore and indicated on the form or not later than such extended time as may be allowed in the discretion of the Chief Statistician.

(c) Returns under Income Tax Act

For the purposes of this Act

(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 Finance for the purposes of the Income Tax Act, and

- (b) The Minister of Finance 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.

Part IV DATA CONFIDENTIALITY

13. Confidentiality of data collected for statistical purposes

- (a) Data received under this Act, including those collected under Article 8 of this Act, shall be used solely for statistical purposes;
- (b) Except for the purposes of a prosecution under this Act, any return made 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;
- (c) No person sworn under this Act 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;
- (d) The data referred to in the first subsection shall not be provided to any persons other than those charged with carrying out these duties;
- (e) The data referred to in the first subsection shall only be published in such a way that no recognizable data can be derived from them about an individual person, household, company or institution, unless, in the case of data relating to a company or institution, there are good reasons to assume that the company or institution concerned will not have any objections to the publication;
- (f) The Chief Statistician shall take the necessary technical and organisational measures to safeguard data from loss or damage and to prevent unauthorized examination, alteration and provision of those data.

14. Provision of data

- (a) Contrary to the provisions of Article 12, the Chief Statistician may, on request, provide or grant access to a set of data to a department, organisation or institution as referred to in the second subsection for the purposes of statistical or academic research where appropriate measures have been taken to prevent identification of individual persons, households, companies or institutions from those data.
- (b) A set of data as referred to in the first subsection may be provided to or made accessible to:
 - 1. A university;
 - 2. An organisation or institution for academic research established by law;
 - 3. Research departments of ministries and other departments, organisations and institutions, in so far as the Council has given its consent.
- (c) The Chief Statistician shall only grant a request as referred to in the previous sections if the Chief Statistician considers that the applicant has taken adequate measures to prevent the set of data being used for purposes other than statistical or academic research.

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

1. Information relating to a person or organisation in respect of which disclosure is consented to in writing by the person or organisation concerned;

2. 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;

3. Information available to the public under any statutory or other law;

4. Information relating to any hospital, mental institution, library, educational institution, welfare institution, public utility 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;

5. 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:

I. Their names and addresses;

II. The telephone numbers at which they may be reached in relation to statistical matters;

III. The products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business;

IV. Whether they are within specific ranges of numbers of employees or persons engaged by them or constituting their work force.

15. Oath of office

(a) 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 fulfill my duties as an employee of Statistics Liberia 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'.

(b) Where a person retained under contract to perform special services for the Chief Statistician pursuant to this Act is a legal person, 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 fulfill my duties as an employee of (name legal person) in respect of my employment in carrying out (reference to the contract that rules the

tasks to be executed) 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’.

16. Disclosing secret information

Every person who, after taking the oath under this Act:

(a) Willfully 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 or to imprisonment for a term not exceedingor to both.

17. Personation of Statistics Liberia employee

Every person who

(a) Personates an employee of Statistics Liberia 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 the person is not an officer, employee or agent of Statistics Liberia, is guilty of an offence and liable on summary conviction to a fine not exceedingor to imprisonment for a term not exceeding six months or to both.

Part V FINES

18. Administrative fines

- (a) The Chief Statistician may impose an administrative fine of up to on legal persons, companies, independent professionals, and institutions that fail to provide the data referred to in article 5 of this Act or fail to provide them in full or in time.
- (b) The fine shall accrue to Statistics Liberia.
- (c) The Cabinet of Ministers may impose rules with respect to the exercise of the power to impose a fine.

19. Rights of the accused

- (a) A person against whom an action is taken from which he can reasonably conclude that the consequence will be that a fine will be imposed on him is not obliged to make any statement with respect to it. He shall be notified to this effect before receiving a verbal request for information.
- (b) If the Chief Statistician intends to impose a fine he shall notify the person concerned, giving notice of the grounds on which that intention is based.
- (c) The Chief Statistician shall give the person concerned the opportunity to present his views within a reasonable period, either verbally or in writing, before the fine is imposed.
- (d) The Chief Statistician shall not impose a fine if the person responsible for the failure to provide the information or to provide the information in full or in time demonstrates that he is not at fault.
- (e) The Chief Statistician shall impose the fine by order.
- (f) The order shall in any case state:
 1. The fact for which the administrative fine is being imposed, as well as the rule that has been contravened;
 2. The amount of the fine;
 3. The period within which the fine must be paid.
- (g) The operation of the order to impose the fine shall be suspended until the period for appeal has expired, or, if an appeal has been made, until a decision has been made on the appeal.
- (h) The fine shall be paid within six weeks of the date on which the order by which it was imposed takes effect.
- (i) If the fine is not paid in time the person who owes the fine shall be sent a written reminder to pay the amount of the fine, plus the costs of the reminder, within two weeks.
- (j) In default of payment within the period referred to in the second subsection, the Chief Statistician may collect the fine, plus the costs of the reminder and collection, by way of a writ of execution.
- (k) The writ of execution shall be served by bailiff's writ at the expense of the person that owes the fine and will give rise to entitlement to enforcement.

- (l) An objection to the writ of execution may be made for six weeks after the date of service by serving a writ of summons.
- (m) An objection shall serve to suspend enforcement of the writ of execution. The court may lift the suspension of the writ of execution on request by Statistics Liberia.
- (n) The activities connected with the imposition of a fine shall be carried out by persons who are not involved in establishing the infringement and the preceding investigation.
- (o) Instead of an administrative fine the Chief Statistician may impose an order for periodic payments on the companies, independent professionals, institutions and legal persons referred to in Article 16 that do not provide the data referred to or do not do so in full or in time. An administrative fine and an order for periodic payments may also be imposed together.