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Official Statistics Act

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19.02.2014	RT I, 13.03.2014, 2	23.03.2014, partially 01.01.2015, 01.01.2017 and 01.01.2019
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.

Chapter 1 GENERAL PROVISIONS

§ 1. Official statistics

(1) For the purposes of this Act, official statistics shall mean quantitative, qualitative, aggregated and representative information characterising a collective phenomenon in a considered population and obtained as a result of statistical processing of data in an official statistical programme.

(2) The purpose of official statistics is to reflect the situation of and changes in the society and to provide the society with information relevant to the demographic, social, economic and environmental development, including for preparing development plans and forecasts, developing different policies, conducting scientific and applied research, and making knowledge-based decisions.

§ 2. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 3. Data

(1) For the purposes of this Act, data shall mean micro-data and macro-data which the producer of official statistics has processed or collected from the respondents electronically or on paper for the performance of the duties assigned thereto by law, including data collected by or generated in the course of activities of the

administrative records and other databases, state and local government authorities, and legal persons, and which are used for producing official statistics.

(2) For the purposes of this Act, micro-data shall mean detailed data characterising a specific statistical unit.

(3) For the purposes of this Act, macro-data shall mean data obtained as a result of statistical processing and analysis of micro-data on the basis of a specific methodology.

§ 4. Official statistical programme and statistical actions

The official statistical programme is a list of demographic, social, economic and environmental statistical actions which is compiled each year for the following five years according to the national or international demand for statistics. Statistical actions are, for example, statistical surveys, censuses, statistical publications or statistical registers.

§ 5. Respondents and statistical units

(1) For the purposes of this Act, respondents are legal persons, branches of foreign companies registered in Estonia, state and local government authorities, sole proprietors, natural persons, bailiffs, notaries and sworn translators who are required to submit data to a producer of official statistics or from whom data are collected for the purpose of producing official statistics.

(2) For the purposes of this Act, statistical units are objects or subjects described by the data collected, processed and disseminated in the course of producing official statistics.

§ 6. Production of official statistics

(1) The production of official statistics includes all activities related to the collection of data for official statistics, statistical processing, analysis, dissemination and storage of such data, and development of such activities.

(2) Statistical processing means the cleaning of data according to statistical methodology and preparation of data for a statistical analysis, including imputation, validation and editing of micro-data, linking of data and derivation of new variables.

(3) The data sets and statistical registers established in the course of producing official statistics shall not be considered databases for the purposes of the Public Information Act.

(4) A statistical register is a set of data of directly identifiable statistical units used in the course of producing official statistics.

§ 7. Principles and quality criteria of producing official statistics

(1) Official statistics are produced according to the statistical principles and quality criteria prescribed in Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164–173).

(2) Eesti Pank is not required to comply with the quality criteria provided for in subsection (1) of this section upon production of official statistics if the quality criteria of official statistics are prescribed by the legislation on statistics regulating the activities of the European Central Bank.

(3) Producers of official statistics shall publish on their website quality assessments of the official statistics produced and information about the compliance or non-compliance with the quality criteria of official statistics to the prescribed extent.

Chapter 2 GOVERNANCE OF OFFICIAL STATISTICS

§ 8. Producers of official statistics

(1) The producers of official statistics are Statistics Estonia, and Eesti Pank to the extent provided for in subsection 34 (1) of the Eesti Pank Act.

(2) A producer of official statistics shall explain to the public the matters related to official statistics, including the advantages of the methodology used over alternative methodologies, if the methodology used is not determined by legislation of the European Union, and provide preliminary assessments of the methodology and

impacts of amendments thereto. Information about the methodology used and amendments planned thereto shall be published on the website of the producer of official statistics.

(3) The producers of official statistics shall be independent in their choice of statistical methodology but shall coordinate the methodology within the limits of their competence. Any amendments to the methodology shall also be coordinated.

(4) The producers of official statistics shall cooperate in the field of statistics with governmental authorities, research institutions, undertakings, citizens' associations and experts of respective fields, both on the national and international level.

§ 9. Statistics Estonia

(1) Statistics Estonia is a governmental authority operating in the area of government of the Ministry of Finance which produces official statistics and exercises state supervision on the bases and to the extent prescribed by this Act.

(2) The duties of Statistics Estonia are:

- 1) to produce official statistics pursuant to the provisions of this Act;
- 2) to prepare in cooperation with Eesti Pank, representatives of public interest and the Statistical Council the part of the official statistical programme to be presented to the Government of the Republic;
- 3) to coordinate the production of official statistics;
- 4) to coordinate the system of classifications;
- 5) to ensure clerical support to the Statistical Council;
- 6) to perform other duties arising from law.

(3) Upon performance of the duties specified in subsection (2) of this section, Statistics Estonia shall be professionally independent within the meaning of Regulation (EC) No 223/2009 of the European Parliament and of the Council.

(4) Statistics Estonia shall act as a national contact point for the Statistical Office of the European Union (*Eurostat*).

§ 10. Director General of Statistics Estonia

(1) The Director General of Statistics Estonia shall have the knowledge, skills and experience necessary for performing the duties of the head of Statistics Estonia. A person with at least five years' experience of successful management of an organisation or structural unit who has acquired at least a Master's Degree, a qualification equal thereto within the meaning of subsection 28 (2²) of the Republic of Estonia Education Act or a foreign qualification equal thereto in the specialty of statistics or economics or in a specialty related thereto may work as Director General of Statistics Estonia.

(2) The Director General of Statistics Estonia shall not participate in the activities of political parties and shall not hold any other remunerative position or office during his or her term of office, except in the field of pedagogical work or research.

(3) The Director General of Statistics Estonia shall:

- 1) be responsible for cooperation with Eesti Pank in the production of official statistics;
- 2) decide on the use of statistical methods and standards, and on the content, form and term of dissemination of data subject to dissemination;
- 3) perform other duties assigned to him or her by other legislation.

§ 11. Appointment to and release from office of Director General of Statistics Estonia

(1) The Government of the Republic shall appoint the Director General of Statistics Estonia to office for a period of five years at the proposal of the minister responsible for the area.

(2) In order to fill the position of the Director General of Statistics Estonia, a public competition shall be organised pursuant to the procedure provided for in the Public Service Act. The committee conducting the competition shall hear the opinion of the Statistical Council on the suitability of each candidate.

(3) The Director General of Statistics Estonia shall be released from office by the Government of the Republic at the proposal of the minister responsible for the area. The minister responsible for the area shall hear the opinion of the Statistical Council beforehand.

§ 12. Statistical Council

(1) The objective of the activities of the Statistical Council is to contribute to fulfilling the purpose of official statistics through giving advice and delivering opinions.

(2) The Statistical Council shall:

- 1) advise the producers of official statistics upon preparation of the official statistical programme;
- 2) give recommendations to Statistics Estonia for coordinating the production of official statistics;
- 3) deliver to the minister responsible for the area its opinion on the official statistical programme and amendments thereto before their approval;
- 4) advise the producers of official statistics upon the production of official statistics, including application of statistical principles and quality criteria;
- 5) provide the minister responsible for the area with an estimate of the costs of producing official statistics and present it in its annual report;
- 6) give recommendations to the minister responsible for the area and deliver opinions in the field of statistical legislation;
- 7) express its opinion on the suitability of a candidate to the committee conducting the public competition for filling the position of the Director General of Statistics Estonia and on the release of the Director General of Statistics Estonia from office to the minister responsible for the area.

(3) In order to perform its duties, the Statistical Council has the right to ask for the necessary information from the producers of official statistics and other relevant persons and institutions.

(4) The Statistical Council shall submit to the Government of the Republic through the minister responsible for the area an annual report on the activities of the Statistical Council not later than by 30 April of the following year. The annual report shall be published on the website of Statistics Estonia.

§ 13. Formation of Statistical Council

(1) The Statistical Council shall be formed by an order of the Government of the Republic at the proposal of the minister responsible for the area. The term of authority of each membership of the Statistical Council shall be four years.

(2) The Statistical Council shall consist of 13 members:

- 1) one member from Statistics Estonia;
- 2) one member from Eesti Pank;
- 3) one member from the Data Protection Inspectorate;
- 4) ten members from among the representatives of users and respondents and from among experts.

(3) The experts specified in clause (2) 4) of this section shall be appointed such that experts in the fields of statistics, demography, social sphere, environment and economics, including agriculture, are represented.

(4) The members of the Statistical Council shall not be paid remuneration for participating in the activities of the Statistical Council.

(5) The rules of procedure of the Statistical Council shall be established by a regulation of the Government of the Republic.

§ 14. Management of Statistical Council

(1) The Statistical Council shall be managed by the chairman elected by the members of the Statistical Council from among themselves.

(2) The chairman of the Statistical Council shall:

- 1) represent the Statistical Council;
- 2) organise the work of the Statistical Council;
- 3) call and chair the meetings of the Statistical Council;
- 4) present the proposals, decisions, opinions and recommendations of the Statistical Council to the producers of official statistics, the minister responsible for the area and the committee specified in clause 12 (2) 7) of this Act.

§ 15. Termination of authority of member of Statistical Council

(1) The authority of a member of the Statistical Council shall terminate upon the termination of the authority of the membership of the Statistical Council.

(2) The Government of the Republic may, at the proposal of the minister responsible for the area, remove a member of the Statistical Council before the termination of his or her authority and appoint a new member to replace the removed member, if:

- 1) the person submits a resignation;
- 2) the institution having appointed the person makes a proposal for the removal of the member;
- 3) the person has not participated in the activities of the Statistical Council during a period of six months.

Chapter 3

OFFICIAL STATISTICAL PROGRAMME AND REPORTING

§ 16. Parts of official statistical programme

(1) The official statistical programme (hereinafter also *programme*) shall consist of the following parts:

- 1) a list of statistical actions approved by the Government of the Republic;
- 2) a list of statistical actions approved by the Governor of Eesti Pank.

(2) The programme shall include the following data about statistical actions:

- 1) title;
- 2) legal basis;
- 3) statistical indicators;
- 4) periodicity;
- 5) reference period or moment;
- 6) estimated cost;
- 7) information on amendments planned to methodology.

(3) If the legal basis specified in clause (2) 2) of this section for the statistical action is not presented in the programme, data about the institution representing the public interest and the purpose of the statistical action within the meaning of subsection 1 (2) of this Act shall be presented in the programme.

§ 17. Preparation of programme

(1) The producer of official statistics shall communicate directly with state and local government authorities upon the preparation and implementation of the programme.

(2) The programme shall be prepared on the basis of public interest, existence of data sources, response burden of respondents and cost-effectiveness of the production of official statistics. Additionally, the state budget strategy and the draft state budget for the following year are taken into account.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(3) Upon planning a statistical action, the producer of official statistics shall consult with the respondents publicly about the composition of data and the term of submission thereof. The respondents shall be consulted early enough in order to allow their opinions to be taken into account and the respondents to adjust their usual activities, if necessary, for the submission of required data.

(4) Upon preparation of the programme, the producer of official statistics shall consult with the representatives of public interest, analyse the necessity of the produced statistics for users, advise the users about new needs and priorities, and assess the administrative response burden arising from the submission of data for the production of official statistics.

(5) Statistics Estonia shall prepare and present to the Ministry of Finance a list of statistical actions specified in clause 16 (1) 1) of this Act not later than by 1 July each year.

(6) The list of statistical actions to be performed by Statistics Estonia shall be approved by an order of the Government of the Republic.

§ 18. Official statistical questionnaire

(1) An official statistical questionnaire is a structured set of questions or indicators in electronic form or on paper used to collect data upon performance of statistical actions that is in a format which can be reproduced and which is filled in by a respondent or interviewer.

(2) The producers of official statistics shall publish the questionnaires on their websites.

§ 19. Reporting on programme

(1) The Director General of Statistics Estonia shall submit to the Statistical Council and the Ministry of Finance a report (hereinafter *annual report*) on the implementation of the programme within the limits of his or her competence not later than by 31 March each year. The annual report shall be published on the website of Statistics Estonia.

(2) The minister responsible for the area shall submit the annual report to the Government of the Republic together with a report on the activities of the Statistical Council not later than by 30 April each year.

- (3) The annual report shall include:
- 1) an overview of the implementation of the programme;
 - 2) an overview of the existing and additional administrative burden of respondents;
 - 3) an overview of user satisfaction with official statistics;
 - 4) an overview of the assessment of the quality of administrative records and databases arising from the right provided for in subsection 29 (2) of this Act;
 - 5) a list of major statistical actions to be added to the programme within the following four years, the justification for the need thereof, and estimated cost.

(4) Eesti Pank shall provide an overview on the implementation of the programme within the limits of its competence in the annual report of Eesti Pank.

§ 20. Statistical actions outside programme

(1) A producer of official statistics may perform statistical actions outside the programme ordered and financed by natural and legal persons, state and local government authorities and international and extra-territorial organisations, provided that the performance of such actions does not interfere with the preparation or implementation of the programme. Statistics Estonia shall notify the Ministry of Finance of the performance of statistical actions outside the programme.

(2) The principles and quality criteria of official statistics provided for in subsections 7 (1) and (2) of this Act shall be complied with upon the performance of statistical actions outside the programme.

Chapter 4 CENSUS

§ 21. Census

(1) For the purposes of this Act, a census is a total survey in the course of which data are obtained as at a certain moment of time about the specified characteristics describing a statistical unit. The types of censuses are:

- 1) population census;
- 2) housing census;
- 3) agricultural census.

(2) The Government of the Republic may, by a regulation, establish a specific procedure for conducting a census in institutional households specified in subsection 24 (4) of this Act.

(3) The Government of the Republic may, by an order, form a census committee of the Government of the Republic for conducting a census which shall:

- 1) make proposals to the Government of the Republic and governmental authorities for the preparation of legislation concerning the conduct of censuses and provide opinions concerning the draft legislation;
- 2) coordinate the conduct of censuses at the level of state bodies and guide the cooperation between state and local government authorities upon conducting censuses;
- 3) approve the schedule for the conduct of censuses and monitor implementation thereof;
- 4) analyse the necessity of costs related to the conduct of censuses;
- 5) perform other duties related to censuses assigned to the committee by the Government of the Republic.

§ 22. Purpose of census and collected data

(1) The purpose of a population census is to collect data on the size, structure, situation and distribution of the population of the state. Upon collection and processing of data in the course of a population census, the producer of official statistics shall comply with the requirements provided for in Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and housing censuses (OJ L 218, 13.8.2008, p. 14–20). The following additional data on persons and household members are collected and processed due to the domestic need for official statistics:

- 1) given names and surname, personal identification code (if available) of the person – identificational data;
- 2) second place of residence, the duration of and reason for staying there; place of birth of parents and grandparents; place of residence before settling in Estonia; place of residence at the time of the previous census – geographical and migration data;
- 3) ethnic nationality, mother tongue, foreign language skills, religion, number of children given birth to, and age of a woman at the time of birth of her first child – demographic data;
- 4) sources of subsistence, length of working week, duration of unemployment – economic data;
- 5) location of educational institution, type and level of education of persons studying in the formal educational system – educational data;
- 6) existence of a long-term illness or health problem and its impact on normal activities – health data;
- 7) duration of and the main reason for staying in Estonia, relationship to the household – data on citizens of foreign states temporarily staying (for at least three months) in Estonia;
- 8) data on the difference between the actual and registered place of residence;
- 9) data on the temporary residents of a household;
- 10) data on an institutional household;

11) data on the agricultural activities of a household and the extent thereof.

(2) The purpose of a housing census is to collect data relating to the dwellings in the state. Upon collection and processing of data in the course of a housing census, the producer of official statistics shall comply with the requirements provided for in Regulation (EC) No 763/2008 of the European Parliament and of the Council. Additional data on addresses, premises and technical facilities of dwellings shall be collected and processed due to the domestic need for official statistics.

(3) The purpose of an agricultural census is to collect data relating to the activities of agricultural holdings of the state. Upon collection and processing of data in the course of an agricultural census, the producer of official statistics shall comply with the requirements prescribed in Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88 (OJ L 308, 24.11.2009, p. 27–46). The following additional data are collected and processed due to the domestic need for official statistics:

- 1) given names and surname, personal identification code (if available) and contact details of holders of agricultural holdings;
- 2) detailed data on agricultural crops with respect to holdings belonging to the sample of the statistical action concerning crop farming;
- 3) data supporting the quality of the census data.

§ 23. Obligations and rights of census respondents

(1) Respondents are required to answer all questions of a census and provide true and complete answers.

(2) Respondents shall provide answers about their beliefs on a voluntary basis.

§ 24. Statistical units and respondents of population census

(1) Statistical units of a population census are natural persons and households.

(2) A population census shall cover:

- 1) persons who reside in the Republic of Estonia, including persons who are temporarily in a foreign state for a term of up to one year;
- 2) persons who have been or are going to be in the Republic of Estonia for the consecutive period of at least three months;
- 3) public servants serving in foreign missions of the Republic of Estonia and their family members who are in a foreign state at the moment of the census.

(3) A population census shall not cover:

- 1) diplomatic staff of foreign diplomatic and consular missions and their family members;
- 2) persons in active service in a foreign army.

(4) For the purposes of this Act, a household means persons who live together and are linked by a common use of all available household facilities. A person living alone is also a household. Persons in social welfare, medical, recreational, custodial and other institutions and in military service who stay in institutions for a long period form an institutional household.

(5) Respondents of a population census are persons stated in subsection (2) of this section who are at least 15 years of age or chief processors or authorised processors of databases of state and local government authorities or of other legal persons in public law, or authorised processors of databases of legal persons in private law performing public duties.

§ 25. Statistical units and respondents of housing census

(1) Statistical units of a housing census are dwellings, buildings containing dwellings and other buildings occupied by natural persons.

(2) A housing census shall cover residential buildings, other buildings used for residential purposes, and other dwellings, regardless of whether they are occupied at the moment of the census, and other premises occupied by natural persons and used for residential purposes.

(3) A housing census shall not cover buildings of foreign diplomatic and consular missions and dwellings located therein.

(4) Respondents of a housing census are residents or owners of the dwellings specified in subsection (2) of this section, chief processors or authorised processors of databases of state and local government authorities or of other legal persons in public law, or authorised processors of databases of legal persons in private law performing public duties.

§ 26. Statistical units and respondents of agricultural census

(1) Statistical units of an agricultural census are units provided for in Regulation (EC) No 1166/2008 of the European Parliament and of the Council and other units indicated in the programme.

(2) Respondents of an agricultural census are natural and legal persons who are the holders or representatives of the holders of statistical units specified in subsection (1) of this section, chief processors or authorised processors of databases of state and local government authorities or of other legal persons in public law, or authorised processors of databases of legal persons in private law performing public duties.

§ 27. Duties of local government entities upon conducting census

(1) A local government entity shall, in cooperation with a producer of official statistics, allow the conduct of a census in its administrative territory which shall include:

- 1) allowing access to information at its disposal which is required by the producer of official statistics for compiling the data to be used for conducting a census;
- 2) assisting the producer of official statistics in finding the dwellings to be enumerated;
- 3) assisting the producer of official statistics in finding working premises and equipment necessary for conducting a census;
- 4) assisting the producer of official statistics in communicating the information necessary for conducting a census to the residents of its rural municipality or city.

(2) A producer of official statistics has the right to enter into a contract with local government entities for the performance of other duties related to the conduct of a census which are not specified in subsection (1) of this section.

(3) The costs arising from the performance of other duties related to conducting a census which are not specified in subsection (1) of this section shall be covered from the state budget out of the funds allocated for conducting the census.

Chapter 5

COLLECTION AND STATISTICAL PROCESSING OF DATA

§ 28. Obligations of respondents and access to information

(1) At the request of a producer of official statistics, respondents are required to submit in due time true and complete data to the extent of a questionnaire prepared pursuant to subsection 16 (1) and published pursuant to subsection 18 (2) of this Act. No fees shall be paid for submission of data.

(2) Natural persons shall submit personal data on a voluntary basis, unless otherwise provided by law. Natural persons who own immovable property, buildings or parts thereof or own or possess agricultural land or farm animals or make international payments shall be required to submit the relevant data pursuant to subsection (1) of this section.

(3) At the justified request of a producer of official statistics, legal persons and state and local government authorities shall disclose the subject matter of the data they collect.

(4) At the request of a producer of official statistics, chief processors of databases shall submit the data collected in the administrative records and databases specified in subsection 29 (1) of this Act.

(5) As an exception, a producer of official statistics may fully or partially exempt a respondent, at a written request of the respondent, from the obligation provided for in subsection (1) of this section if submission of data is impossible.

(6) A person has the right to access data concerning him or her collected by a producer of official statistics.

§ 29. Use of administrative records and databases

(1) Upon the production of official statistics, a producer of official statistics shall primarily use data collected in administrative records and databases, data generated in the course of the activities of state and local government authorities and legal persons or collected by them, if such data allow the production of official statistics complying with the quality criteria of official statistics.

(2) A producer of official statistics has the right to make proposals for amending the composition of data and the classifications used in the administrative records and databases, if the coverage of data and the composition, level of detail and quality of data in the administrative records and databases do not allow the production of official statistics complying with the quality criteria of official statistics.

§ 30. Collection and statistical processing of data

(1) A producer of official statistics shall inform the respondents early enough about the composition of data to be collected from them, the purpose of using such data, the principles of statistical processing and dissemination of the data, and the due date for submission thereof. A producer of official statistics shall inform the respondents about the liability for the violation of the requirements provided for in this Act.

(2) Upon the production of official statistics, a producer of official statistics has the right to establish statistical registers of data by collecting the same data from various administrative records and databases and other data sources, unless otherwise provided by law. The data collected in a statistical register for the performance of statistical actions may be used for the production of other official statistics, regardless of the purpose for which the data were initially collected.

(3) A producer of official statistics has the right to link micro-data collected from respondents and administrative records and databases by using characteristics that allow direct or indirect identification of statistical units.

§ 31. Use of personal data in production of official statistics

(1) A producer of official statistics has the right to use personal data in the production of official statistics on the bases of and pursuant to the procedure provided for in the Personal Data Protection Act.

(2) A producer of official statistics is not required to inform persons of the use of their personal data in the production of official statistics.

Chapter 6 STORAGE OF DATA AND DISSEMINATION OF OFFICIAL STATISTICS

§ 32. Storage of data

(1) A producer of official statistics shall store data pursuant to the requirements provided for in this Act and the Archives Act.

(2) A producer of official statistics shall keep micro-data of a natural person together with the personal identification code of the person during the validation of the micro-data. After validation, the personal identification code shall be stored separately from other data of the person, ensuring the possibility for later linking.

§ 33. Dissemination of official statistics

(1) A producer of official statistics shall disseminate official statistics in an objective and impartial manner and pursuant to the release calendar published on its website. A producer of official statistics shall not disseminate official statistics prior to the due date indicated in the release calendar.

(2) Official statistics are deemed to be disseminated as of the moment of making them available for public use by a producer of official statistics.

(3) A producer of official statistics shall publish on its website a release calendar of official statistics for the following calendar year not later than three months before the beginning of the following calendar year. A producer of official statistics shall take into account the needs of users upon the preparation of the release calendar.

(4) The results of statistical actions performed pursuant to § 20 of this Act shall be made available to users as soon as possible.

§ 34. Confidential data

(1) Confidential data shall mean data that allow direct or indirect identification of a statistical unit and thereby disclosure of micro-data.

(2) For the purposes of this Act, a statistical unit is directly identifiable on the basis of data if the data include the name, address, or personal identification code or registry code of the statistical unit.

(3) For the purposes of this Act, a statistical unit is indirectly identifiable on the basis of data if, in the absence of characteristics that allow direct identification, it is possible to identify the statistical unit on the basis of other

data. In order to determine whether a statistical unit is identifiable, all possibilities that a third person could presumably use to identify the statistical unit shall be taken into account.

(4) Persons who, in the course of performing their official duties or using data for scientific purposes, have access to data that allow direct or indirect identification of a statistical unit are required to ensure that such data are used only for statistical purposes and prevent unlawful dissemination of such data.

(5) A producer of official statistics shall ensure the organisational, information technology related and physical protection of data upon performance of all statistical actions.

(6) The requirements for organisational, information technology related and physical protection of data collected and statistically processed by Statistics Estonia shall be established by a regulation of the Government of the Republic.

(7) The requirements for organisational, information technology related and physical protection of data collected and statistically processed by Eesti Pank shall be established by a directive of the Governor of Eesti Pank.

(8) The chief processor of the personal data collected for the production of official statistics is a producer of official statistics.

§ 35. Dissemination of confidential data

(1) A producer of official statistics shall disseminate data collected for the production of official statistics only in a form that precludes the possibility of direct or indirect identification of a statistical unit unless otherwise provided by this Act.

(2) A producer of official statistics shall disseminate data that allow direct or indirect identification of a person only with the consent of the person, except in the cases provided by this Act or if the data are considered public pursuant to law.

(3) A producer of official statistics may disseminate data that allow direct or indirect identification of a person without the consent of the person, if the data:

- 1) are disseminated to another producer of official statistics according to the area of competence and marked as confidential;
- 2) are disseminated to the Statistical Office of the European Union (*Eurostat*), national statistical institutes of the Member States of the European Union and the members of the European System of Central Banks according to the area of competence, to the extent provided for in the European Union legislation and marked as confidential.

(4) A producer of official statistics may disseminate the following data concerning legal persons registered in Estonia, branches of foreign companies, state and local government authorities and sole proprietors that allow direct or indirect identification without the consent of the person:

- 1) registry code;
- 2) name and address;
- 3) legal form;
- 4) economic activity;
- 5) size group of the unit according to the number of persons employed;
- 6) size group of the unit according to the sales revenue.

(5) A producer of official statistics may disseminate data that allow direct or indirect identification of a statistical unit without the consent of the person, if the data are used for scientific purposes pursuant to the provisions of § 38 of this Act.

(6) A producer of official statistics may disseminate industrial statistics that allow indirect identification of a statistical unit at the most detailed level of the National List of Products and export and import statistics of goods at the most detailed level of Combined Nomenclature, unless prohibited by the respondent.

(7) A producer of official statistics may disseminate data that allow indirect identification of a natural person by sex, age and settlement unit without the consent of the person.

§ 36. Public use files

(1) Micro-data shall be disseminated as public use files that do not allow any direct or indirect identification of a statistical unit. Data files are prepared by applying statistical disclosure control methods.

(2) Upon dissemination of public use files, the possibility of using methods of statistical analysis by maintaining links between variables shall be ensured.

(3) A producer of official statistics shall allow access to public use files pursuant to the release calendar.

§ 37. Remote execution

(1) For the purposes of this Act, remote execution is a service under which Eesti Pank, research and development institutions, and governmental authorities (hereinafter *applicant for remote execution*) can use confidential data for making statistical analyses in a manner which precludes direct access for users to confidential data.

(2) For the purposes of this Act, a research and development institution is an institution provided for in § 3 of the Organisation of Research and Development Act, a university or other institution providing higher education or a research institution of a foreign state, or an institution listed in a relevant decision of the European Commission.

(3) In order to use remote execution, the applicant for remote execution shall submit to the producer of official statistics an application which contains the composition of required data, information concerning the period and frequency of using remote execution, and the justification of the need to use the data.

(4) The producer of official statistics shall assess the justification of the application and decide on allowing remote execution within ten working days after receipt of the application.

(5) Remote execution shall be refused if the application is not justified or it is not possible to provide the service to the extent requested by the applicant for remote execution. The producer of official statistics shall justify its decision upon refusal of remote execution.

§ 38. Dissemination of confidential data for scientific purposes

(1) Dissemination of confidential personal data for scientific purposes is permitted under the conditions provided for in the Personal Data Protection Act.

(2) Upon dissemination of confidential data for scientific purposes, the producer of official statistics shall enter into a data transmission agreement with the user of data (hereinafter *user*) stating the purpose of the research, the persons entitled to use the transmitted data for research, the procedure for processing and transmission of data and the obligation to ensure the organisational, physical and information technology related protection of data, and conditions for the destruction of data after completion of the research. The agreement specified in this subsection shall not be entered into with a natural person.

(3) The producer of official statistics shall refuse to enter into a data transmission agreement with a user, if:

- 1) it is not convinced that the data are used only for scientific purposes;
- 2) the user wants to use personal data but the conditions provided for in § 16 of the Personal Data Protection Act are not fulfilled;
- 3) the user has previously violated the terms and conditions of an agreement entered into with the producer of official statistics and, in the opinion of the producer of official statistics, the user has not implemented sufficient measures to prevent violation of the terms and conditions of an agreement in the future.

(4) The producer of official statistics shall justify its decision upon refusal to enter into an agreement.

(5) Data transmitted for scientific purposes may be used only for the purposes stated in the agreement.

(6) The procedure for transmission of confidential data for scientific purposes shall be established by the producer of official statistics.

(7) Data collected from administrative records and databases may also be transmitted for scientific purposes.

Chapter 7 STATE SUPERVISION OVER RESPONDENTS

§ 39. Precept

(1) Upon failure to submit data collected to perform statistical actions or submission of distorted data, the producer of official statistics has the right to issue a precept for elimination of the violation to the person who fails to submit data or submits distorted data.

(2) A precept shall contain:

- 1) the name and position of the person issuing the precept;
- 2) the place and date of issuing the precept;
- 3) the name and address of the recipient of the precept;
- 4) the factual reasons for issue of the precept;

- 5) a clearly expressed request and the legal basis for the request;
- 6) the term for compliance with the precept;
- 7) the amount of the penalty payment to be imposed upon failure to comply with the precept;
- 8) the procedure and term for contesting the precept;
- 9) the signature of the person issuing the precept.

(3) Upon failure to comply with a precept, the producer of official statistics may impose penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 2000 euros.

[RT I 2010, 41, 241 - entry into force 01.01.2011]

Chapter 8 LIABILITY

§ 40. Violation of requirements of Official Statistics Act

(1) Unlawful dissemination of data collected in the course of producing official statistics or allowing identification of a respondent or use of data for any other purposes besides statistical purposes is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 41, 241 - entry into force 01.01.2011]

§ 41. Proceedings

(1) [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Extra-judicial proceedings concerning the misdemeanours provided for in § 40 of this Act shall be conducted by the Data Protection Inspectorate.

Chapter 9 IMPLEMENTING PROVISIONS

Division 1 Transitional provisions

§ 42. Conduct of official statistical surveys

(1) The list of official statistical surveys for 2010 approved pursuant to subsection 3 (2) of the Official Statistics Act (RT I 1997, 51, 822; 2010, 22, 108) shall apply as a basis for the production of official statistics until 31 December 2010.

(2) Legislation established on the basis of subsection 3 (3) of the Official Statistics Act (RT I 1997, 51, 822; 2010, 22, 108) shall be in force until 31 December 2012.

§ 43. Official statistical programme for years 2011–2015

(1) The first official statistical programme which complies with the requirements prescribed in this Act shall be prepared for the years 2011–2015.

(2) The Statistical Council shall commence performance of the duty provided for in clause 12 (2) 1) of this Act as of the preparation of the official statistical programme for the years 2012–2016.

(3) The first report on the implementation of the official statistical programme pursuant to the provisions of § 19 of this Act shall be prepared by 31 March 2012.

§ 44. Population and Housing Census 2011

(1) The Population and Housing Census 2011 shall be conducted at the time and as at the moment prescribed in subsection 2 (5) of the Population and Housing Census Act (RT I 1998, 52/53, 772; 2009, 62, 405).

(2) The Census Committee of the Government of the Republic formed pursuant to subsection 21 (1) of the Population and Housing Census Act (RT I 1998, 52/53, 772; 2009, 62, 405) shall continue its activities until the end of the preparations for the Population and Housing Census 2011.

§ 45. Transmission of address data supplemented in the Population and Housing Census 2011 to chief processor of address data management system

(1) A producer of official statistics shall transmit the address data (geographical address, type of address object, x- and y-coordinates of the address point and status of the address object) collected in the course of the Population and Housing Census 2011 to the chief processor of the address data management system.

(2) The chief processor of the address data management system shall make the address data transmitted by a producer of official statistics available to the administrative records and databases belonging to the state information system.

§ 46. Transmission of data collected in Population and Housing Census 2011 to chief processor of population register

(1) A producer of official statistics shall transmit with the consent of respective persons the data (place of birth, ethnic nationality, mother tongue, education, economic activity, and names and personal identification codes of the mother, father, spouse and children of the person) collected on the persons in the course of the Population and Housing Census 2011 together with the personal identification code to the chief processor of the population register.

(2) If there are no data on the place of birth, ethnic nationality, mother tongue, education or economic activity of a person in the population register or if the data on education or economic activity are not up-to-date as at the moment of the census, the authorised processor of the population register shall enter the data obtained from the producer of official statistics in the population register.

(3) The chief processor of the population register shall use the data on the relationships of a person (the mother, father, spouse and children of the person) obtained from the producer of official statistics in order to assess the quality of the data in the population register and find the source documents of the data to be entered in the population register.

§ 47. Use of earlier census data

Statistics Estonia shall establish a statistical register on the basis of the data of the Population and Housing Census 2000 and the statistical register established shall henceforth be used for the production of official statistics.

§ 48. Data protection

The procedure established pursuant to subsection 8 (6) of the Official Statistics Act (RT I 1997, 51, 822; 2010, 22, 108) for the protection of the data collected and processed by Statistics Estonia shall apply until the regulation specified in subsection 34 (6) of this Act enters into force.

§ 49. Filling the position of Director General of Statistics Estonia

(1) The Minister of Finance shall announce a public competition for the position of the Director General of Statistics Estonia within 90 days after the entry into force of this Act.

(2) Until the appointment of the Director General by way of public competition, the duties of the Director General shall be performed by the Director General of Statistics Estonia being in office at the time of entry into force of this Act who shall be deemed appointed for the specified period and whose service relationship shall terminate on the day of appointment of the Director General of Statistics Estonia by way of public competition.

§ 50. Transition to register-based population and housing census

(1) For the transition to the register-based population and housing census, the Government of the Republic shall approve by an order a list of necessary actions by administrative records and databases together with the terms of actions and the ministry responsible.

(2) Statistics Estonia shall assess, on the basis of the results of the Population and Housing Census 2011, the quality of the basic data of the administrative records and databases and, if necessary, make proposals to the chief processor of a database for improving the quality of the data.

Division 2

Amendment of acts

§ 51.–§ 58.[Omitted from this text]

Division 3 Repeal of acts

§ 59.–§ 61.[Omitted from this text]

Division 4 Entry into force of Act

§ 62. Entry into force of Act

(1) This Act enters into force on 1 August 2010.

(2) Section 36 of this Act enters into force on 1 January 2011.

(3) Section 37 of this Act enters into force on 1 August 2011.

(4) Sections 53 and 58 of this Act enter into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union.