



# **Act relating to official statistics and Statistics Norway (the Statistics Act)**

Prop. 72 LS (2018–2019), Recommendation 342 L (2018–2019), Enactment of a Bill no. 89 (2018–2019). First and second reading by the Storting on 12 and 17 June 2019, respectively. Introduced by the Ministry of Finance.

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**The following Acts are repealed:**

Act of 16 June 1989 No. 54 relating to official statistics and Statistics Norway (the Statistics Act).

**The following Acts are amended:**

- 1 Act of 13 June 1969 No. 25 relating to religious communities, etc.
- 2 Act of 12 June 1981 No. 64 relating to allocations to religious communities
- 3 Act of 3 June 1994 No. 15 relating to the Central Coordinating Register for Legal Entities
- 4 Act of 6 June 1997 No. 35 relating to the Register of the Reporting Obligations of Enterprises
- 5 Act of 22 June 2012 No. 43 relating to employers reporting of employment and income etc. (the Employer's Reporting Act).

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# Chapter 1. Introductory provisions

## Section 1. Purpose

The purpose of the Act is to promote the development, production and dissemination of official statistics with a view to increasing public knowledge, and providing a basis for analysis, research, decision-making, and general discussion in society.

## Section 2. Geographical scope

The Act applies to Svalbard. The King may issue regulations relating to application of the Act on Svalbard, taking local conditions into account. The King may issue regulations stipulating that the Act shall apply on Jan Mayen and the dependencies and in the Norwegian Exclusive Economic Zone.

## Section 3. Definitions

For the purposes of this Act, the following definitions shall apply:

- a) statistics: quantitative information about a group or a phenomenon, and which is obtained by aggregating and processing information about the different units of the group or a sample of these units, or through systematic observation of the phenomenon
- b) official statistics: statistics covered by the national statistics programme mentioned in section 4.

# Chapter 2. Official statistics

## Section 4. National statistics programme

The King in Council shall approve the establishment of a multi-year national programme for official statistics that is suitable for fulfilling the purposes described in section 1. The programme will stipulate which statistical activities shall be covered and which public authorities are responsible for the statistics. The Ministry may issue regulations relating to the preparation of such a programme.

## Section 5. Requirements regarding official statistics

- (1) Official statistics shall be developed, produced and disseminated in a professional independent, impartial objective, reliable and cost-effective manner.
- (2) The development, production and dissemination of official statistics shall be based on uniform standards and harmonised methods. The statistics shall be relevant, accurate, timely, punctual, accessible and clear, comparable and coherent.

## Section 6. Coordination of official statistics

- (1) Statistics Norway shall coordinate all development, production and dissemination of official statistics in Norway. Statistics Norway shall produce an annual public report to the Ministry regarding the quality of official statistics.
- (2) The Ministry shall appoint a committee for official statistics, whose members mainly represent authorities who are responsible for official statistics. The committee shall be led by Statistics Norway. The Ministry may issue regulations relating to the establishment of the committee and its activities.
- (3) A proposal for a statistics programme shall be drawn up by Statistics Norway, in consultation with the Committee for Official Statistics. The users of statistics shall be consulted before the programme is approved.
- (4) The statistics programme shall be executed through annual work programmes from the competent authorities.
- (5) Statistics Norway shall have overall responsibility for international statistical cooperation.

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## Section 7. Statistical confidentiality in dissemination of official statistics

- (1) Official statistics shall be disseminated in such a manner that it is not possible to directly or indirectly identify a statistical unit and thus disclose individual data.
- (2) The first subsection shall not apply when the exception follows from an obligation to produce statistics pursuant to the EEA Agreement.
- (3) An exception may be made from the first subsection if the statistical unit is a public authority, and the interests of the public sector are protected. An exception may also be made from the first subsection if the statistical unit has granted consent or if the data are available to the public.

## Section 8. Obligation of secrecy

- (1) Any person who performs or has performed work or services for Statistics Norway shall prevent third parties from gaining access to data on statistical units that have been collected for official statistics.
- (2) A corresponding duty of confidentiality shall apply to any person who performs or has performed work or services for a different public authority which is responsible for the development, production or dissemination of official statistics, when this concerns data that have been exclusively collected for such purposes.
- (3) The obligation of secrecy does not prevent data from being given to other authorities when such access follows from an obligation to produce statistics pursuant to the EEA Agreement.
- (4) The obligation of secrecy in relation to data on personal matters will lapse after 100 years. The obligation of secrecy in relation to other data will lapse after 60 years. In some cases, Statistics Norway may make an exception from the first and second sentences if there are special grounds for such.
- (5) Sections 13 to 13 e of the Public Administration Act do not apply to data that are collected for official statistics.

## Section 9. Information security

- (1) Public authorities that process data covered by the obligation of secrecy pursuant to section 8 shall implement technological and organisational measures in order to achieve an adequate level of security. This includes providing adequate access control, logging and subsequent controls.
- (2) Data that allow direct identification must be processed and stored separately from other data, unless this is inconsistent with the purpose of the processing or it is clearly unnecessary.

# Chapter 3. Collection and other processing of data for official statistics by Statistics Norway

## Section 10. Duty to provide information

- (1) Without being bound by an obligation of secrecy, any person must provide the data that are necessary to develop, produce or disseminate official statistics if so ordered by Statistics Norway. The obligation includes data on the party with a duty to report, and other data for which the party has a right of disposal. A deadline may be set for the provision of data. The obligation of secrecy stipulated in section 119, first and second subsections, of the Criminal Procedure Act and section 22-5, first subsection, of the Dispute Act shall take precedence over the duty to provide information pursuant to the first sentence.
- (2) Statistics Norway may issue regulations relating to the duty to provide information and may impose a duty to provide information on a case by case basis.
- (3) A party may refuse to provide data pursuant to the first subsection when an exception is necessary out of consideration for national defence and security interests or the crime-fighting activities of the police.
- (4) Statistics Norway may stipulate the way in which the data are provided and the documentation that shall accompany them. Remuneration cannot be requested for the costs associated with complying with the duty to provide information.

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- (5) Statistics Norway shall not make a decision to impose a duty to provide information until an assessment has been made of the benefit of obtaining the information, balanced against the costs incurred by the party with a duty to provide information and a determination of the extent to which the processing will impact on the data subject. . The assessment shall be made public.
  - (6) The Ministry may issue regulations relating to the duty to provide information pursuant to this provision, including in relation to limitations on the duty to provide information.

### **Section 11. Duty to notify Statistics Norway**

- (1) In order to ensure the quality of official statistics, Statistics Norway must be consulted before public authorities establish, amend or discontinue information systems in a way that may impact on the duty to provide information in section 10.
- (2) Statistics Norway may procure additional data and submit proposals for the design of the information systems in order to serve statistical purposes.

### **Section 12. Use of data**

Statistics Norway may use data that have been provided voluntarily and pursuant to section 10 for the purposes of developing, producing and disseminating official statistics and for statistical results and analyses which the agency has an obligation to produce under other Acts.

### **Section 13. Access to data for use in official statistics**

- (1) Statistics Norway shall give other public authorities access to data to the extent necessary for developing, producing or disseminating official statistics. The data may not be used for other purposes, and can only be made available to persons with a need for access in the course of their work with official statistics.
- (2) The Ministry may issue regulations relating to the access of the public authorities to data for use in official statistics.

### **Section 14. Access to data to produce statistical results and analyses**

- (1) Statistics Norway may provide access to data for the production of statistical results and analyses, including research, when this does not entail a disproportionate disadvantage to other interests.
- (2) The data must not contain a greater level of identification than necessary for the purpose in question. Consideration of the level of identification must also take into account the risk of use in contravention of the purpose and general trust in Statistics Norway.
- (3) In general, the data shall not contain any characteristics that allow direct identification of persons or enterprises. In certain cases, Statistics Norway may make directly identifiable data available for linking and other processing if there are no grounds for concern in relation to the party covered by the data. Characteristics that allow direct identification of the person or enterprise must be deleted as soon as the processing is complete.
- (4) Statistics Norway may stipulate conditions for access to and use of data. Such conditions must be justifiable and proportionate.
- (5) The obligation of secrecy pursuant to section 8 shall apply accordingly to persons who receive access to data.
- (6) The Ministry may issue regulations relating to access to data. This may include what data can be accessed, who can be given access and the right to charge for such access.

### **Section 15. Public use of anonymous data**

Statistics Norway may disseminate data on statistical units in such a way that the statistical unit cannot be identified directly or indirectly when account is taken of all relevant means that might reasonably be used. The Freedom of Information Act does not apply to data covered by this provision.

### **Section 16. Data processing for other parties**

Statistics Norway may process data on behalf of other public authorities.

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## Chapter 4. Responsibilities and management of Statistics Norway

### Section 17. Responsibilities of Statistics Norway

- (1) Statistics Norway is the central authority for the development, production and dissemination of official statistics in Norway.
- (2) Statistics Norway shall also conduct research and analysis.
- (3) Statistics Norway may undertake other responsibilities to the extent that these support the activities stipulated in the first and second subsections.

### Section 18. Professional independence and management of Statistics Norway

- (1) Statistics Norway shall be professionally independent in the performance of its tasks pursuant to this Act.
- (2) Statistics Norway shall be led by a director general who is appointed by the King in Council, on a six-year contract, with the possibility of reappointment for a second period of up to six years.

### Section 19. Council for Statistics Norway

- (1) An independent council with a broad-ranging composition shall be appointed for Statistics Norway. The council shall advise on any matter that is presented to it by the director general, and it may also advise the director general on its own initiative.
- (2) The director general shall request advice when drawing up proposals for the national statistics programme, the annual work programme, and on other important matters.
- (3) The council shall submit an annual public report on the activities of Statistics Norway, and may bring any matter before the Ministry.
- (4) The Ministry shall request the council's viewpoints on criteria for a new director general of Statistics Norway before the position is advertised. The Ministry may also request advice on other matters.
- (5) The council for Statistics Norway shall have seven members, who are appointed by the King in Council for a period of four years. The members may be appointed for a total period of up to twelve years.
- (6) The Ministry may issue regulations relating to the council for Statistics Norway.

## Chapter 5. Coercive fines

### Section 20. Coercive fines

- (1) If any party who has an obligation to provide data pursuant to this Act does not provide the data by the deadline stipulated, Statistics Norway may impose a coercive fine until the data have been provided.
- (2) A coercive fine pursuant to the first subsection provides enforceable grounds for execution.
- (3) The Ministry may issue regulations relating to the level of the coercive fine and its assessment.

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## Chapter 6. Concluding provisions

### Section 21. Execution of EEA legislative acts regarding European statistics

The Ministry may issue the necessary regulations in order to meet Norway's statistical obligations pursuant to the EEA Agreement.

### Section 22. Entry into force and transitional provisions

- (1) The Act will enter into force on the date decided by the King. The Act of 16 June 1989 No. 54 relating to official statistics and Statistics Norway will be repealed on the same date. The King may bring the various statutory provisions into force on different dates.
- (2) The Ministry may stipulate transitional provisions.

### Section 23. Amendments to other Acts

The following amendments shall be made to other Acts from the date on which this Act enters into force:

1. Act of 13 June 1969 No. 25 relating to religious communities, etc. shall be amended as follows:  
Section 19 b, second subsection, shall read as follows:  
Section 10 of the Statistics Act shall not apply to data provided under the provisions in the first subsection.
2. Act of 12 June 1981 No. 64 relating to allocations to religious communities shall be amended as follows:  
Section 5, fourth subsection, shall read as follows:  
Section 10 of the Statistics Act shall not apply to data provided under the provisions in the third subsection.
3. Act of 3 June 1994 No. 15 relating to the Central Coordinating Register for Legal Entities shall be amended as follows:  
Section 2 b (5) shall read as follows:
5. Statistics Norway's Norwegian Central Register of Establishments and Enterprises (section 10 of the Statistics Act).
4. Act of 6 June 1997 No. 35 relating to the Register of the Reporting Obligations of Enterprises shall be amended as follows:  
Section 6, second subsection, shall read as follows:  
The exception in the first subsection shall not apply to section 8 of the Statistics Act.
5. Act of 22 June 2012 No. 43 relating to employers reporting of employment and income etc. shall be amended as follows:  
Section 3 first subsection item d shall read as follows:  
d. Section 10 of the Statistics Act and