



## **THE LAW OF UKRAINE**

### **On revision of the Law of Ukraine “On state statistics”**

“The Law of Ukraine

On state statistics

This Law regulates legal relations in the field of state statistics, specifies the rights and functions of state statistical bodies and the organisational basis for performance of state statistical activity aiming at obtaining comprehensive and objective statistical information about economic, social, demographic and ecological situation in Ukraine and its regions, and provision of this information to the state and the society.

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Definition of terms**

The following terms are defined as follows for the purposes of this Law:

administrative data – data obtained on a basis of observations conducted by state authorities (with the exception of state statistical bodies), local authorities and other legal persons as determined by the legislation, for the purposes of fulfilment of administrative duties and tasks within their authority;

state statistics – a centralised system of collection, processing, analysis, dissemination, storage, protection and use of statistical information;

state statistical activity – a set of activities associated with the performance of state statistical observations and the rendering of information services, which are targeted at collecting, processing, analysing, disseminating, storing, protecting and using statistical information, data reliability and improvement of statistical methodology;

inquirer – a legal or natural person that inquires statistical information from state statistical bodies;

information system of state statistical bodies – a set of technical, programming, communication and other facilities which enable the collection, accumulation, processing, dissemination, storage, protection and use of statistical information;

confidential information – statistical information that is classified as information with limited access and is owned, used or disposed by a respondent and may be disseminated subject to the respondent’s permission and on terms agreed with the respondent;

user – a legal or natural person that uses state statistical observation data;

state statistical bodies – a specially authorised central executive body in the area of statistics and bodies established by it and subordinated to, or controlled by, it as specified in Article 11 of this Law;

Plan of State Statistical Observations – an official paper that catalogues observations being undertaken by the state statistical bodies and specifies an order and timing of those observations;

respondent – a person or a group of persons that is subject to statistical observations in accordance with the legislation and defined in Article 4 of this Law;

statistical information – documented information which gives quantitative information on mass phenomena and processes occurring in the economic, social, cultural and other spheres of society life;

statistical methodology – a set of the scientifically grounded methods, procedures and techniques used for studying the statistical characteristics of the mass social and economic phenomena and processes that establish the order of statistical information collection, processing and analysis;

statistical observation – a systematic and scientifically organised procedure of collecting data by state statistical bodies about mass phenomena and processes that take place in economic and social and other spheres of Ukraine and its regions through their registration in line with the special program designed in accordance with statistical methodology.

## **Article 2. The legal basis of the state statistical activity**

The legal basis of the state statistical activity shall be the Constitution of Ukraine, this Law, other laws and legal acts which regulate relations in the spheres of statistics, information, computerisation, scientific and technical activity and state standards as well as Ukraine's international agreements in the statistical sphere mandatory status of which was approved by the Parliament of Ukraine.

## **Article 3. State statistical policy**

state statistical policy is directed at establishment of an integrated system of recording and statistics at the entire territory of Ukraine and its adaptation to international standards and methodology.

## **Article 4. Subjects of the Law**

This Law applies to the following subjects:

(a) state statistical bodies and employees that participate in statistical observations on behalf of those bodies on a permanent or temporary basis;

(b) respondents:

legal persons,

separate units of legal persons located in Ukraine,

separate units of legal persons located beyond Ukraine;

natural persons dwelling in Ukraine irrespective of their citizenship and groupings of such persons;

natural persons-citizens of Ukraine which are staying beyond Ukraine and groupings of such persons;

(c) users of data of statistical observations.

## **Chapter II**

### **STATE STATISTICAL ACTIVITY**

#### **Article 5. Main principles of the state statistical activity**

The state statistical activity is performed by the state statistical bodies in accordance with this Law and with the tasks that are within their terms of reference on a basis of professional independence and autonomy.

Interference of any state and local authorities, other legal persons, public associations, officials and other persons in the state statistical activity, including contents of statistical information, selection of its sources, statistical methodology, forms and terms of dissemination of data of statistical observations, etc. is prohibited.

#### **Article 6. Statistical information**

Statistical information obtained on a basis of statistical observations conducted by state statistical bodies exists as primary data on respondents and as statistical data obtained after one or more phases of processing and stored on paper, magnetic or other carriers or in electronic form, as well as analytic materials prepared on the basis of these data.

Primary data refer to information showing quantitative and qualitative features of phenomena and processes that is submitted by respondents in the course of statistical observations.

Statistical data refer to information obtained through the conduct of statistical observations that is processed and presented in a formalised way in accordance with generally accepted principles and methodologies. Statistical data that are the result of aggregation of primary data, on condition that their depersonalisation is ensured, shall be deemed aggregated depersonalised statistical information (data).

Statistical information also includes the data of banking, financial and customs statistics, balance of payments statistics etc., which are compiled on the basis of administrative data by the National Bank of Ukraine and specially authorised state agencies (except state statistical bodies) within their authority. The relevant authority of these agencies and rules of collecting, processing, analysing, disseminating, storing, protecting and using such statistical information shall be defined by separate laws.

#### **Article 7. Statistical information sources**

With a view to compiling statistical information, the state statistical bodies may use the following as data sources:

primary data and statistical data referring to respondents who are subject to statistical observations;

administrative data from the state authorities (except state statistical bodies), local authorities and other legal persons;

data of banking, financial and customs statistics, balance of payments statistics etc.;

statistical information of international organisations and statistical agencies of other countries, etc.;

estimates and calculations being produced on the basis of the above data.

The decision on the statistical data source to be used is taken by the state statistical bodies. The decision-making process is independent and includes considerations for quality and timeliness of information to be submitted, expenditures and the responsibilities that it would impose on respondents.

#### **Article 8. Statistical methodology**

Statistical methodology is based on results of scientific researches, international recommendations taking into account specific national and historical aspects of the country.

Main provisions of statistical methodology shall be published.

Statistical methodology is the basis for conducting statistical observations including formation and maintenance of the Register of Respondents of Statistical Observations and compilation of statistical reporting documents.

Register of Respondents of Statistical Observations is an automated information system of collecting, accumulating and processing of statistical data on respondents that ensures selection of respondent groupings by the criteria determined for conducting statistical observations.

Statistical reporting documents comprise statistical observation programs, reporting forms and instructions on their completion, questionnaires and census (inquiry) forms, other statistical forms for conducting statistical observations approved by state statistical bodies and state classifications of technical, economic and social information, etc. Statistical reporting documents may be disseminated on paper, magnetic and other carriers or through telecommunication channels.

#### **Article 9. Statistical observations**

Statistical observations are conducted by the state statistical bodies by means of collection of statistical reports, conduct of one-off collections, censuses (polls), and sample and other surveys.

Statistical observations may be full-coverage and partial.

Full-coverage statistical observation covers all units of the statistical universe that is studied.

Partial statistical observation covers specific units of the universe that is studied.

Statistical observations are also classified into state statistical observations and other statistical observations.

State statistical observations are conducted by state statistical bodies according to the Plan of State Statistical Observations endorsed by the Cabinet of Ministers of Ukraine or according to special decisions of the Cabinet of Ministers of Ukraine. State statistical observations that are conducted by state statistical bodies with enlistment of temporary employees are conducted by decisions of the Cabinet of Ministers of Ukraine.

Other statistical observations are conducted in accordance with the Regulation on fulfilment of statistical observations and provision of paid services by state statistical bodies approved by the Cabinet of Ministers of Ukraine.

#### **Article 10. Integrated State Register of Enterprises and Organisations of Ukraine**

The Integrated State Register of Enterprises and Organisations of Ukraine is an automated system of collection, accumulation and processing of data on all legal persons, separate units of legal persons located in Ukraine, separate units of legal persons located beyond Ukraine.

The Integrated State Register of Enterprises and Organisations of Ukraine ensures the integrated State recording and identification of all entities listed in Part 1 of this Article and serves as the basis for state statistical observations.

the establishment and maintenance of the Integrated State Register of Enterprises and Organisations of Ukraine, development of methodology and organisation of its maintenance are ensured by state statistical bodies.

Central and local authorities and legal persons which establish and maintain registers and information data bases on legal persons shall provide free-of-charge information to the state statistical bodies for the purposes of development and updating of the state Register of Enterprises and Organisations of Ukraine.

The Cabinet of Ministers of Ukraine approves Regulation on the Integrated State Register of Enterprises and Organisations of Ukraine.

### **Chapter III**

## **STATE STATISTICAL BODIES**

### **Article 11. State statistical bodies**

The following constitute state statistical bodies:

the specially authorised central executive body in the area of statistics established in accordance with Article 106 of the Constitution of Ukraine;

territorial state statistical bodies of the Republic of Crimea, regions, districts and cities/towns established by, and subordinate to, the specially authorised central executive body in the area of statistics in accordance with the legislation; and

functional state statistical bodies – enterprises, organisations and institutions established by, and subordinate to, the specially authorised central executive body in the area of statistics in accordance with the legislation.

These bodies form a single system of state statistical bodies.

### **Article 12. Main tasks of state statistical bodies**

Main tasks of state statistical bodies are the following:

participation in development of state statistical policy and ensuring its fulfilment;

collection, processing, analysis, dissemination, storage, protection and use of statistical information about mass economic, social, demographic and ecological phenomena and processes in Ukraine and its regions;

ensuring reliability and objectivity of statistical information;

development, improvement and implementation of statistical methodology;

ensuring development, improvement and implementation of a system of state classifications of technical-economic and social information that are used in statistical observations;

development and maintenance of the Integrated State Register of Enterprises and Organisations of Ukraine and Registers of Respondents of Statistical Observations;

implementation of new information technologies in the area of statistical data processing;

interaction of information systems of the state statistical bodies and other central and local authorities, other legal persons, international organisations and statistical agencies of other countries by means of information interchange, works in the areas of methodology, software, technology etc. aimed at effective use of information resources;

coordination of state and local authorities and other legal persons in the area of organisation of collecting and using administrative data;

ensuring availability, publicity and openness of statistical information, their sources and methodology of their compilation;

maintenance and protection of statistical information.

The specially authorized central executive body in the area of statistics established in accordance with Article 106 of the Constitution of Ukraine also fulfils state procurement accounting by collecting information about the planned procurements and the results of procurement procedures, including bidding (competitive bidding), the conduction of which is failed, and approves forms of statistical reporting on procurements.

### **Article 13. Main rights of state statistical bodies**

State statistical bodies have the following rights:

to approve decisions on issues of statistics, recording and reporting within their entitlement. Decisions approved by statistical bodies on these issues are obligatory for all subjects to which this Law applies. In case of questions concerning statistical methodology in specific industries of the economy, to involve state bodies in their handling;

to obtain (excluding separate sample surveys of natural persons or groupings of such persons for participation in which the respondents receive monetary compensation for time spent), in accordance with the procedure and within the terms approved by the specially authorised central executive body in the area of statistics, from all respondents including central and local authorities, banks, individual entrepreneurs and natural persons subject to statistical observations and use of primary and statistical data, accounting data, other information needed to conduct statistical observations including information with limited access as well as explanations to it. In the course of statistical observations of natural persons subject to statistical observation, to apply the method of direct visits of employees of state statistical bodies and temporary employees that participate in statistical observations to housing and subsidiary premises and buildings, land plots etc.;

to check the status of primary records and statistical reporting, to check reliability of primary and statistical data provided by respondents. To apply, as approved by the specially authorised central executive body in the area of statistics, the method of direct visits to industrial, office and other premises, land plots etc. of legal persons, their separate units and individual entrepreneurs;

in case of exposure of upward and other distortions in primary and statistical data, to oblige respondents to revise statistical reporting and other statistical forms, and in case of non-fulfilment

of this requirement by a date determined by state statistical bodies, to adjust the reporting and to inform respondents about the necessary revisions;

to put forward proposals to law and order agencies about prosecution as specified by the laws against officials and entrepreneurs violating this Law;

to consider cases of administrative infringements and to apply fines in accordance with the laws;

to involve relevant central executive authorities and scientific institutions in development of state classifications of technical-economic and social information;

to co-operate with international statistical organisations and statistical agencies of other countries;

to fulfil statistical observations and provide services paid by customers;

to provide statistical information to inquirers in accordance with the Regulation on fulfilment of statistical observations and provision of paid services by state statistical bodies;

to comment on the cases of misuse or wrong interpretation of statistical information.

#### **Article 14. Main duties of state statistical bodies**

State statistical bodies are obliged:

to organise and carry out statistical observations of social-economic and demographic processes, ecological situation in Ukraine and its regions;

to carry out state statistical observations of the population of Ukraine concerning its social-demographic and economic status, entrepreneurial activity etc.;

to analyse social-economic, demographic and ecological phenomena and processes in Ukraine and its regions;

to provide the state and local authorities, in accordance with the procedure and terms specified in the Plan of State Statistical Observations or approved by the Cabinet of Ministers of Ukraine, with statistical information;

to ensure publicity of statistical data, to publish statistical bulletins, reviews, press releases and other statistical information in accordance with the Plan of State Statistical Observations, to hold press conferences;

to ensure equal access to statistical information by legal and natural persons;

to carry out fundamental research and applied works in the area of statistics;

to use international statistical standards and recommendations in the practice of state statistical bodies;

to approve statistical methodology and primary reporting documents for state statistical observations (excluding state classifications of technical-economic and social information) and standard forms of primary registration documents needed for those observations;

to provide, in accordance with the Plan of State Statistical Observations, the statistical reporting documents to respondents (excluding state classifications of technical-economic and social information);

to maintain the Integrated State Register of Enterprises and Organisations of Ukraine and Registers of Respondents of Statistical Observations with allocation of identification codes and classification codes to the units included;

to ensure development and improvement of technologies of statistical information processing;

to ensure preservation, accumulation, updating and protection of statistical information and its confidentiality;

to carry out international and interregional statistical comparisons;

to ensure provision of statistical data to international organisations in accordance with the international agreements concluded and to carry out interchange of statistical information with statistical agencies of other countries in accordance with the legislation of Ukraine.

#### **Article 15. Planning of state statistical bodies activity**

In order to identify promising targets and strategic directions of development of state statistics, ensure continuous improvement of quality of statistical information specially authorized central executive body in the area of statistics jointly with other government agencies, the National Bank of Ukraine and the interested enterprises, institutions and organizations by the results of the study of users' demand and international experience develops long-term program of development of state statistics.

Long-term program of development of state statistics is developed for five years.

To provide state and society with statistical information specially authorized central executive body in the area of statistics jointly with other government agencies, the National Bank of Ukraine and the interested enterprises, institutions and organizations develops an annual plan of state statistical observations.

Long-term program of state statistics development and plan of state statistical observations are approved by the Cabinet of Ministers of Ukraine.

#### **Article 15<sup>1</sup>. Funding of state statistical bodies activity**

Financial support of long-term program of state statistics development shall be provided by means of the State Budget of Ukraine and other statutory sources.

State statistical observations are conducted using the funds of the State Budget of Ukraine, and other observations, in case sources of funding are available or on account of customers of these observations.

The specially authorized central executive body in the field of statistics, territorial bodies of state statistics in the Autonomous Republic of Crimea, regions, districts and cities/towns are maintained by the state budget of Ukraine.



## Article 16. **Relations between subjects of this Law**

Relations of the state statistical bodies with respondents and users, including government authorities, local authorities, other legal entities that carry out activity related to collection and use of administrative data are based on the principles of ensuring reliability, objectivity and confidentiality of statistical information, optimization of the costs for its compilation and transparency of statistical methodology which provides for:

monitoring and optimization of the reporting burden on respondents;

measures carried out by state statistical bodies to increase confidence of respondents in order to collect reliable and objective statistical information;

encouragement of respondents to participate in the approved by the Cabinet of Minister of Ukraine state sample surveys of natural persons or groupings of such persons as well as in sample surveys of natural persons or groupings of such persons, conducted by the state statistical bodies at the expense of customers, by paying them monetary compensation for the time spent on keeping records and providing information in accordance with the program of these surveys. Amount of monetary compensation for respondents participating in the state sample surveys is defined by the Cabinet of Ministers of Ukraine and shall be paid from the State Budget of Ukraine. Amount of monetary compensation for respondents participating in the sample survey conducted by the state statistical bodies at the expense of customers is defined in the agreements on their conducting;

monitoring and meeting the needs of users in statistical information observing the requirements on protection of confidential data of statistical surveys;

assurance of equal access of users to statistical information and disclosure of the basic provisions of statistical methodology;

creation of conditions to make users interested in obtaining reliable and objective statistical information;

approval, by the state statistical bodies, of methodology and reporting documentation related to collection and use of administrative data as well methodology for compilation of banking, financial, and customs statistics, balance of payments statistics, etc.;

free provision, at the request of state statistical bodies, of administrative data collected by the bodies implementing activities related to their collection and use, and banking, financial, and customs statistics, balance of payments statistics, etc.

## **Chapter IV**

### **MAIN RIGHTS AND RESPONSIBILITIES OF EMPLOYEES OF STATE STATISTICAL BODIES AND OF TEMPORARY EMPLOYEES THAT PARTICIPATE IN STATISTICAL OBSERVATIONS, RESPONDENTS AND USERS OF DATA OF STATE STATISTICAL OBSERVATIONS**

#### **Article 17. Rights and duties of employees of state statistical bodies and of temporary employees that participate in statistical observations**

Employees of state statistical bodies that participate in statistical observations on a permanent or temporary basis shall act in accordance with this Law.

Rights and duties of permanent employees of state statistical bodies and temporary employees that participate in statistical observations are established by this Law and other laws of Ukraine.

All employees of state statistical bodies shall comply with requirements on protection of confidential information and bear responsibility for violation of those requirements in accordance with the laws.

#### **Article 18. Main rights and duties of respondents**

Respondents are entitled to know what primary data are being collected on them in the process of conduct of statistical observations, for what purpose, and who will use them, how and for what purpose.

Respondents are obliged (excluding separate sample surveys of natural persons or groupings of such persons for participation in which the respondents receive monetary compensation for time spent) to provide state statistical bodies with reliable information, including the information with limited access, and accounting reports, free of charge, in forms of statistical reporting documentation and within the dates determined.

The contents, scope and methodology of data compilation, addresses and timeliness specified in the documentation and instructions on statistical reporting and recommendation on completion of reports are obligatory for all respondents and shall not be changed without permission of the state statistical bodies.

#### **Article 19. Main rights and duties of users of statistical observation data**

State and local authorities, other legal persons and natural persons shall have the right to aggregate depersonalised statistical information. Subject to the provisions of Articles 9 and 24 concerning payment for services, this right guarantees free access by the above persons such information, the possibility of use, dissemination and storage for performing their tasks and functions and for ensuring their rights, freedoms and legal interests.

Natural persons are entitled to free access without charge to statistical information related to them.

Use of statistical observation data by mass media, its dissemination through information networks, paper, magnetic and other carriers and in scientific works, etc. is allowed only with reference to their source.

#### **Article 20. Responsibility for violation of state statistical legislation**

Violation of state statistical legislation leads to responsibility of persons responsible for such violation in accordance with the laws.

### **Chapter V**

## **PROTECTION OF CONFIDENTIALITY OF STATISTICAL INFORMATION**

#### **Article 21. Guarantees of state statistical bodies with respect to confidentiality of statistical information**

Primary data obtained by state statistical bodies from respondents for statistical observations and administrative data on respondents obtained by state statistical bodies from authorities involved in

administrative data collection and use shall be classified as confidential information protected by the Law and may be used exclusively for statistical purposes in an aggregate depersonalised form.

Dissemination of statistical information on a basis of which it is possible to identify confidential statistical information with respect to a particular respondent, is prohibited.

Statistical information provided by respondents for statistical observations to state statistical bodies shall not be required by state and local authorities, other legal persons, citizens' associations, officials or other persons for making a decision with respect to a particular respondent.

The above guarantees do not apply to information specified in Article 22 of this Law.

#### **Article 22. Statistical information to which prohibition of dissemination by state statistical bodies does not apply**

Statistical information on a basis of which it is possible to identify a particular respondent is not treated as confidential and may be disseminated subject to the respondent's permission and on terms agreed with the respondent or if obtained from generally available sources.

Prohibition of dissemination by state statistical bodies does not apply to:

depersonalised statistical information in a disaggregated form that does not allow to identify confidential statistical information with respect to a particular respondent;

information on names, addresses, phone numbers and fields of activity, total amounts of debts on wages payments (accruals) of enterprises, establishments and organisations, unless otherwise specified by legislation.

primary data obtained by state statistical bodies from respondents in the course of the state statistical observations on the state of the environment, including land, water, air, flora and fauna, factors that affect or may affect the state of environment and health of people, with the exception of restrictions established by legislation.

### **Chapter VI**

#### **OWNERSHIP OF STATISTICAL INFORMATION AND ACCESS TO IT**

##### **Article 23. Ownership of statistical information**

Statistical information of state statistical observations and primary data obtained from respondents in the process of conduct of other observations shall be the property of the state and is managed by state statistical bodies that shall manage, use and dispose this statistical information and determine the rules of its collection, processing, dissemination, storage, protection and use.

Ownership of statistical information obtained on account of its customer shall be determined in contracts on creation of the information that also envisage terms of dissemination of this information by state statistical bodies.

##### **Article 24. Regulation of access to statistical information**

To meet the statistical needs of state and local authorities, other legal persons and natural persons and to ensure access to statistical information, special information services shall be established in state statistical bodies.

Procedures for their establishment, their structure, rights and obligations shall be approved by the specially authorised central executive body in the area of statistics.

Access to statistical information shall be ensured as follows:

by issuing regular statistical publications;

by dissemination of statistical information by mass media;

by provision of statistical information to state and local authorities, other legal persons and natural persons.

State statistical bodies provide state and local authorities with free statistical information specified in the Plan of State Statistical Observations or approved by the Cabinet of Ministers of Ukraine within the limits of funds specified for these purposes by the state budget of Ukraine and in accordance with confidentiality requirements specified by this Law.

Procedures and terms of provision of statistical information to state and local authorities, other legal persons and natural persons at their request are performed in accordance with the Law of Ukraine “On information” and this Law.

If the information is provided on a contractual basis, procedures and terms of provision are specified in relevant agreements. Customers shall reimburse the cost of preparation and provision of information at their request. Observations related to these requests are conducted and paid in accordance with the Regulation on fulfilment of statistical observations and provision of paid services by state statistical bodies.

Intra-agency statistical information used as input for compilation of aggregated statistical data, of statistical reports and other documents, classifications of economic and social information etc. or drafts of those documents, shall not be provided at request.

## **Chapter VII**

### **INTERNATIONAL CO-OPERATION**

#### **Article 25. International co-operation in the area of statistics**

International co-operation in the area of statistics is aimed at creating and functioning of state statistics that meets the requirements set by government and society, improving the effectiveness of state statistical activity, establishing co-operation with international statistical organisations and statistical agencies of other countries in the area of statistical methodology and practice and ensuring exchange of work experience and data.

The state is concerned with the development and support of all types of international co-operation in statistics that comply with the state interests of Ukraine.

#### **Article 26. International agreements**

If binding consent is given by the Parliament of Ukraine to regulations that establish international agreements, the regulations of international agreements have precedence over those set forth in this Law.

## **Chapter VIII**

## **FINAL CLAUSES**

1. This Law shall become effective from 1 January 2001.

2. Until the effective legislation is revised in accordance with the Law of Ukraine on Revision of the Law of Ukraine “On state statistics”, laws and acts of Ukraine shall be effective in the part that does not contradict this Law.

3. The Cabinet of Ministers of Ukraine shall within a six-month term:

submit proposals to the Parliament of Ukraine on revisions to be made in the laws of Ukraine in accordance with this Law;

revise its effective regulations in accordance with this Law;

approve, within its terms of reference, regulations in order to implement this Law;

ensure abolishment and revision by central executive authorities of their regulations contradicting to this Law”.

President of Ukraine L. KUCHMA

Kyiv

13 July 2000

No. 1922-III

