

TWINNING CONTRACT

Institutional Capacity Building for the Central Agency for Public Mobilisation and Statistics (CAPMAS) and Developing the Legal Framework for Statistics in Egypt

EG/07/AA/F106



MISSION REPORT


on

Statistical policy and legislation

Activity no 1.10 and 1.11

Mission carried out by
Per Samuelson, Statistics Sweden;
Jolanta Minkevica, Central Statistical Bureau of Latvia
Ilze Skujeniece, Central Statistical Bureau of Latvia
Cairo, 21-26 March, 2009

Final Version

		 STATISTICS DENMARK
Central Agency for Public Mobilisation and Statistics		Statistics Denmark

PHARE 2005

Authors' name, address, e-mail

Per Samuelson
Statistics Sweden
Box 24300
104 51 Stockholm
Sweden
Tel. +46 703414950
per.samuelson@scb.se

Jolanta Minkevica
1, Lacplesa street
Riga, Lv-1301, Latvia
Tel. +371 67366629
jolanta.minkevica@csb.gov.lv

Ilze Skujeniece
1, Lacplesa street
Riga, Lv-1301, Latvia
Tel. +371 67366951
ilze.skujeniece @csb.gov.lv

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Abbreviations

BC	Beneficiary Country
CAPMAS	Central Agency for Public Mobilisation and Statistics
CSB of Latvia	Central Statistical Bureau of Latvia
EU	European Union
MS	Member State
UN	United Nations

1. Objectives of the mission

This mission report was prepared within the Egyptian-Danish Twinning Project „Institutional capacity building for the Central Agency for Public Mobilisation and Statistics (CAPMAS)”. It was the second mission to be devoted to statistical legislation within Component 1 of the project.

The objectives of the mission:

1. To hold a workshop where:
 - the MS and BC experts outline the content of the statistical legislation based on the work from activity 1.1 and 2.2.;
 - the consultants outline the content of modern statistical legislation, European Statistics Code of Practice, the practical application of these principles and give examples of MS legislation;
2. To discuss:
 - items subjected to the revision of the current legislation;
 - a first draft of a new statistical law.

The consultants express their thanks to all officials and individuals met. Kind support and valuable information highly facilitated the work of the consultants.

The views and observations stated in this report are those of the consultants and do not necessarily correspond to the views of EU, CAPMAS, CSB of Latvia or Statistics Sweden.

2. Contents of the mission

The CAPMAS presented the content of the current legislation on statistics in Egypt and pointed out provisions that needed to be amended in the revised statistical law.

The consultants presented in detail the new statistical law within the European Union which has recently been enacted. There were discussions on several issues in the new law.

The consultants presented European Statistics Code of Practice, the practical application of these principles and gave examples of MS legislation.

The CAPMAS presented the first version of a draft law on statistics. Each article was discussed. The consultants suggested some amendments to the draft.

It was agreed in the workshop that the draft law be translated into English and sent to the consultants in two weeks time after the mission. The consultants undertook to submit their comments in writing until the end of April 2009.

With regard to the fact that much work will remain to finalise the draft law, it was felt that it was too early to discuss contents of coming hearing. The planning of the hearing should take place during the next mission in May 2009.

3. Remaining activities for the consultants and CAPMAS for developing an updated modern statistical legislation

1) CAPMAS input

Dates: 26 March 2009 – 9 April 2009

Subject: draft law

Scope: CAPMAS should translate the draft statistical law into English and send to the consultants.

2) Consultants input

Dates: 10 April 2009 – 30 April 2009

Subject: draft law

Scope: The consultants should submit written comments to CAPMAS.

3) CAPMAS input

Dates: March 2009 – May 2009 (before the Mission 3)

Subject: Concepts on Memorandum of understanding and Consultative Committee

Scope: CAPMAS should decide on two questions. First - on the aim of the Memorandum and parties concerned; Secondly - on the role and members of the Consultative Committee. This information should be prepared in writing, translated into English and sent to experts until end of April 2009.

4) Mission 3

Mission dates: 10.-14.05.2009.

Subject: Workshop on drafting Memorandum of Understanding (Activity 1.8 in current workplan) and other required activities

Scope:

I Workshop. The workshop will consist of 2 parts. During the 1st part of the workshop a draft memorandum of understanding on the future cooperation between producers of Official Statistics will be elaborated. The memorandum of understanding will outline the principles for Official Statistics (as presented during Mission 2) and the role of CAPMAS and other producers of statistics. The 2nd part of the workshop will be devoted to establishing the role of the Consultative Committee in the legislation. Other producers of statistics on legislative issues of common concern will be invited to the workshop.

II Planning of the hearing.

III Further discussions on the draft statistical law.

5) CAPMAS input

Dates: June – December 2009 (before Mission 4)

Subject: CAPMAS should organise the hearing on the draft statistical legislation and Memorandum of understanding among external stakeholders. The results of the hearing (comments and proposals of stakeholders) should be documented in writing, translated to English and sent to the consultants until the end of December 2009.

6) Mission 4

Mission dates: January 2010.

Subject: Workshop on review of responses of hearing (Activity 1.9 and 1.12 in current workplan).

Scope: The workshop will be devoted to revision of documents after hearing and will consist of 2 parts. During the 1st part of the workshop the draft statistical law will be revised taking into account comments and proposals of stakeholders. Firstly, CAPMAS staff will present the result of the hearing. Then the consultants will give their opinion. Afterwards BC experts and the consultants will work

together on revising the draft statistical law. In the 2nd part of the workshop the draft memorandum of understanding will be revised taking into account comments of stakeholders. The actions are planned to be the same as for 1st part.

If specific issues have been raised by the stakeholders, bilateral meeting will be organised during the Mission.

7) CAPMAS input

Dates: January 2010 - April 2010 (before Mission 5)

Subject: CAPMAS should present a revised draft statistical legislation and Memorandum of understanding to external stakeholders. The results of the meeting (comments and proposals of stakeholders) should be documented in writing, translated to English and sent to the consultants until the end of March 2010.

8) Mission 5

Mission dates: April-May 2010.

Subject: Workshop on finalising the draft statistical legislation (Activity 1.13 in the current workplan).

Scope: During the workshop the draft statistical law will be finalised, as well as the draft memorandum of understanding.

When it comes to other regulations and statutes based on statistical policy then those mentioned above, the consultants foresee these to be dealt with when appropriate during the course of the process.

Annex 1. Terms of Reference

Terms of Reference

*for a combined short-term mission to the Central Agency for Mobilisation and Statistics
on*

Activity 1.10

Workshop on developing a statistical policy in Egypt

And

Activity 1.11

Workshop on developing a statistical policy in Egypt

Background

CAPMAS and Statistics Denmark with partners have established a fruitful cooperation in the framework of Twinning. This twinning project is EG/07/AA/F106.

This activity is the sixth activity within component 1, Statistical Legislation and Policy and the second on legislation. The objectives for this component is the development of a statistical policy with new and updated draft statistical legislation

This activity will contribute to this objective and especially to the benchmarks set out in the contract: At the 18th month, the draft statistical legislation has been submitted to a hearing round among stakeholders and by the end of the project a final draft of the statistical legislation is prepared.

Purpose of the mission

The mission will consist of a workshop where the MS and BC experts will outline the content of the statistical legislation based on the work from activity 1.1 and 2.2.

The workshop will consist of 2 parts. During the 1st part of the workshop the consultants will outline the content of modern statistical legislation, UN principles and European Statistics Code of Practice, the practical application of these principles and give examples of MS legislation.

The 2nd part of the workshop will be devoted to practical exercise – CAPMAS staff will – together with the consultants – discuss items subjected to the revision of the current legislation and develop a first draft of a new statistical law, taking into account the information given by the experts in the 1st part of the workshop

Expected Results

- First draft of new statistical legislation
- Plan for hearing round

Activities

A tentative schedule for the mission is:

Sunday 22 March 2009

Meeting with the RTA

Meeting with component leader and the relevant staff

Determining the agenda for the mission

Presentation of the work done since last mission (CAPMAS)

Monday 23 March

Presentation and discussion of the content of modern statistical legislation, UN principles and European Statistics Code of Practice, the practical application of these principles and examples from MS legislation

Tuesday 24 March

Discussion and development of the first draft of statistical legislation between CAPMAS experts and MS experts

Wednesday 25 March

Discussion and development of the first draft of statistical legislation between CAPMAS experts and MS experts (continued)

Thursday 26 March

Final discussions and clarifications with CAPMAS and finalisation of first draft of legislation

Discussion on a plan for a hearing round

Presentation of preliminary results and findings

Tasks to be done by CAPMAS to facilitate the mission

The beneficiary will arrange meetings with the relevant staff in CAPMAS.

Consultant and counterpart

The mission will be carried out jointly by:

Mr. Per Samuelson, Statistics Sweden (activity 1.10),

Ms. Jolanta Minkevica, Central Statistical Bureau of Latvia

And

Ilza Skujeniece, Central Statistical Bureau of Latvia

The beneficiary's counterpart will be Ms. Amira Gamal El Din

Timing

The mission will be carried out during 22- 26 March 2009 in Cairo.

Report

A final report from the mission should be made available not later than two weeks after the termination of the mission.

Annex 2. Programme for the mission

Sunday 22 March 2009

- Meeting with the RTA
- Meeting with CAPMAS staff
- Presentation of the the agenda for the week
- Discussion of the current legislation

Monday 23 March 2009

- CAPMAS presentation of the current legislation on statistics in Egypt and proposals for amendments.
- Discussions.

Tuesday 24 March 2009

- Consultant's presentation of the new law on statistics in EU.
- Discussions.

Wednesday 25 March 2009

- Consultant's presentation of the EU Code of Practice and current law on statistics in Latvia.
- Discussions.

Thursday 26 March 2009

- CAPMAS presentation of draft law on statistics in Egypt.
- Discussion with CAPMAS staff – questions and answers.
- Final discussion.

Annex 3. Persons met

Workshop on designing statistical Legislation and preparation of hearing
22-26/03/2009

	Name	Title
1	Ms. Amira Ahmed Gamal El Din	Head of Central Dept. for National Central for Statistical Training
2	Dr. Ayat Mohamed	General Director of "National Training Statistical Center"
3	Ms. Azza Abo Zeed	General Director of legal opinion and legislation
4	Ms. Nadia Mohamed	General Director, Quality Control Dept.
5	Mr. Ibrahim Mohamed	Director of Legal Affairs Dept.
6	Mr. Mohamed Abd El-Ghaffar	Head of Legal opinion and Legislation Dept.
7	Mr. Tharwat Fayek Nakhla	General Director, General Dept. of Applied Statistics
8	Ms. Nancy Nabil	Head of training programs implementation section
9	Ms. Suzan Kamal	Director of Contracts Dept.
10	Mr. Ahmed Fathe	Counselor, Ministry of Justice

Other

Mr. Peter Ottosen, RTA

Mr. Elsayed Yasser Aly, RTA counterpart

Annex 4. The draft law on statistics in Egypt

To be filled after receiving the English translation of draft law (CAPMAS should provide translation to the consultants in two weeks time after the mission => until 10 April 2009).

The law Draft of "Public Authority for Statistics" **In the framework of Twinning Project**

Not: this draft considers a primary one, and subjected to change and amendment, partially or totally, even with addition, deletion or change according to new findings and results of Project

Section 1: Transitional provisions of abolishing "CAPMAS" and establishing the "Authority".

Article 1:

Public Authority titled "Public Authority for Statistics" shall be established and enjoy intendency, has the legal personality and subordinated to the Presidency of the Republic. The headquarter of Authority shall be based in Cairo, and it has the right to establish a branches or centers all over the Republic.

Article 2:

Central Agency for Public Mobilization and Statistics shall be abolished, and all jurisdictions, Authorities, like (statistics, census, IT, training, and information handling) wherever it stated in laws, regulations or decrees shall be transferred to the new Authority under this law.

Article 3:

The allocations and degrees allotted for the employees of "Central Agency for Public Mobilization and Statistics", beside the budget of the fiscal year 200-/200- shall be transferred to new Authority under this law.

Article 4:

The employees of "Central Agency for Public Mobilization and Statistics" Shall be transferred, with their degrees and Seniorities, to "the new Authority according to this law, while considering applying the regulatory laws of especial cadres to whom these laws applied, from the authority's staff according to new status.

Article 5:

President of Republic shall issue the executive regulation of this Law during six months from the date of issuing.

Article 6:

This Law shall repeal Law No.35/1960 of statistics and census, also the presidential decree No.2915/1964, and any other legal text contracting with the mentioned law.

Section 2: definitions

Article 7:

Terms to be used in this Law:

- Authority : Public Authority for Statistics
- Statistics: the information, indicators, and analyses that represent the reality, and resulted from applying scientific and intellectual rules on data.
- Data: it's the required/submitted data from the statistical sources which represent a real fact of the related subject.
- Individual data: is the data that identify single individual or single establishment and the surrounding society.
- Census: is comprehensive counting of all individuals (citizens and foreigners) who existing in counting date (counting night) and inside a specific geographic boundaries (country boundaries), besides collecting demographic, economic and social statistical data for these individuals.
- Data Collection: define the collection process entity with need data for statistical purposes to meet the data-users needs beside the needs of regional and international institutions.
- Statistics production: it's a process of applying the technical, scientific and automatic rules, beside the intellectual activities on compiled data in order to obtain the required statistical information, indicators and analyses.
- Statistics dissemination: make the results of statistical process (information, indicators and analyses....etc) available for general public with all possible means to achieve this goal.
- Official statistics: is the primary data that issued by official governmental authorities, and the concerned authority is responsible for studying and analyzing and putting these data in unique database and disseminate it.
- Unofficial statistics: issued by unofficial authorities such as non-governmental institutions and disseminated by concerned authorities or by one of other stakeholders.
- Statistical source: person/authority that submit or asking to submit the required data for the purposes of statistical productions.
- Other statistical stakeholder: individuals/authorities....etc that have a permission to work in the field of statistics even in collecting or processing statistical data or statistics dissemination inside the republic and for statistical purposes and on continuous bases.
- Standard criteria: the international definitions, methodologies and classifications that adapted by concerned authority and to be harmonized with regional and international criteria
- Evaluation: to be sure that the other stakeholders reached to specified level of quality for all the work phases in order to guarantee the correctness and accuracy of the statistics results.

Section 3: responsibilities and objectives of the New Authority

Article 8:

According to this Law, the new authority solely shall be entitled to do the follows:

1. Co-ordination of the statistical process in the republic.
2. Developing the statistical policy of the republic.
3. Conducting the statistics and censuses required by the State, and specify their dates, define their methods and results dissemination, and identify the authorities and agencies that have a role in this operation and specify this role.
4. Full co-ordination between the statistical operations and other stakeholders.
5. Co-ordination with other stakeholders in a way that grantee reaching to integrated system which includes criteria, applying rules, procedures, definitions, classifications and the mechanisms of performance-measuring guided by applied international criteria and scientific rules, provided that not conflicting with the status of the State.
6. Increasing statistical awareness among the individuals and other authorities and agencies with explaining the importance of statistics.
7. Supporting the self-capacities of other stakeholders in a way that grantee enhances their work levels and unifying work methods according to adopted rules of concerned authority in this respect.
8. Confirm the quality-confidence in all phases of statistical and censuses processes and results even on national, regional and international levels
9. Comprehensive evaluation of other stakeholders and their statistical activities according to standard criteria of statistics adopted by concerned authority.
10. Issuing necessary permits for the interested individuals, authorities and agencies in conducting additional statistical work which is not included in the program of new authority, and this shall be according to executive regulation of this Law.
11. Issuing the permits that gives the capacity of statistical stakeholder that includes the permission of working in statistical field on permanent basis.

Section 4: methods and means of achieving these responsibilities and objectives

Article 9:

The concerned authority has the right to take all necessary procedures and decisions to achieve its objectives, and the executive regulation of this Law shall identify the methods and means of achieving these objectives.

Section 5: organization of statistical work, and the role of the Authority as public co-coordinator and organizer in this field

Article 10:

All existing stakeholders in the time of issuing this law shall submit a request to the concerned authority to evaluate their performance, and the concerned authority shall carry out this evaluation during one year from date of submission the complete request, and notify the stakeholder with the result of this evaluation and all remarks and negatives, and suggest the appropriate methods to overcome these remarks and negatives, and give him the suitable time to correct these remarks and negatives. But if this stakeholder does not abide by correct these remarks and negatives during the granted time, the concerned authority entitled to suspend his permit for six months, and if he failure to correct them during suspending period, the concerned authority entitled to repeal his permit completely, and that shall be according to the executive regulation of this law.

Article 11:

Every individual or entity whoever the capacity and interested in working in statistical field after applying this law, shall submit a request to the concerned authority to get a permit to work in this field and be one of stakeholders, and this shall be according to the executive regulation of this law.

Article 12:

The evaluation process shall be executed periodically through the period which identified in executive regulation of this law, while taking into consideration the provisions stated in article (10) of this law.

Article 13:

The executive regulation of this law shall determine the rules and procedures of issuing work permits in statistical field, periodical performance-evaluation of other stakeholder, complaining from any decisions regarding this respect, renew, suspend and repeal these permissions.

Article 14:

Chairman of the concerned authority shall determine the fees of issuing the work permits not exceeding () for one permission, also the fees of performance-evaluation not exceeding (), and the complaint fee not exceeding () for one decision,

Article 15:

It is prohibited for all who participated in the process of permits issuance or evaluation to give any consultations or training courses for permits requester or for any stakeholder under evaluation, or revealing any data or information related to permits process or evaluation before issuing the related decision by concerned authority.

Article 16:

The concerned authority shall raise an annual report contains all its results and recommendations to the President of the Republic, Speaker of the Egyptian People's Assembly and to Prime Minister by the end of every Calendar year.

Section 6: provisions of Authority's Board of Directors

Article 17:

The Authority shall have a Board of Directors appointed by the Presidential Decree. This Board of Directors shall be formed from a chairman, heads of sectors or their representatives, heads of central departments that subordinate directly to chairman of the authority, one of Chairman of State Council's deputy which chosen by the Chairman of State Council, dean of Statistical institute and the head of Authority's staff syndicate committee.

Board of Directors shall determine the "attendance allowance" of the Board's members provided that not exceed 100% from their monthly basic salary for board sessions per month, and in case of absence of chairman of the board, the most senior member from the participants in the formation decree shall replace him.

Article 18:

Board of Directors is the supreme authority that's dominating and managing all authority's affairs, and it has the right to take all decisions it deems appropriate in order to achieve the objectives of the authority according to the provisions of executive regulation.

Article 19:

The Board of Directors shall hold a meeting on an invitation from its chairman or a majority of its members twice a month at least, or whenever it's necessary, and the decision taken by the majority of votes, and in case of equalization, the vote of chairman considers the decisive vote.

The Board of Directors may form one or more sub-committees chaired by one of the members and entrusted on a temporary base some of its responsibilities, or to perform a new task.

The sub-committees members shall be granted 100% of their basic salary for every working month, and the part of the month considers complete month, and the Board has the right to make use of some experts in the raised issues without having the right voting.

Section 8: responsibilities of "Chairman of the Board"

Article 20:

Chairman of the Board shall undertake the duty of supervising the proper work - performance to grantee the objectives of the Authority to be achieved, according to the provisions of executive regulation in this respect.

Section 9: the financial organization of the Authority

The financial resources of the Authority are:

- 1) The allocated budget from the State even annual or exceptional budget;
- 2) Its own revenue acquired from payments in return for services and consultations in the scope of achieving its objectives;
- 3) Fees of issuing work permits, fees of stakeholders' evaluation and fees of complaint.
- 4) Approved grants, donations and subsidies by the Board and not incompatible with the objectives of the Authority;
- 5) Investment Proceeds of Authority's funds; and
- 6) Proceeds of fines that mentioned on the law.

Article 22:

The authority shall have an independent budget, which start and end according to the State's fiscal year, and the funds of the authority shall deposit in an account in the Central Bank of Egypt or any other national bank, but after the approval of Central Bank of Egypt, and the surplus of authority's account shall be Carry-over from year to year.

Article 23:

The funds of the Authority considers a public funds, hence, the authority is entitled to take the all the Legal proceedings to obtain its rights, including the administrative detention.

Section 10: Consultancy committee

Article 24:

A committee chaired by Chairman of the Board titled "Consultancy Committee for statistical planning and coordination" shall be created in the new authority. Such committee shall be formed of a number of technical experts, not more than fifteen members representing the various sectors of the State and the high Statistical experiences as well. The committee members shall be nominated according to a decision from the Chairman of the Board. The above mentioned committee shall hold a meeting upon invitation from its chairman once a month at least. The committee may form sub-committees chaired by one of its members. A number of the professional experts not form the committee members may be joined to such sub-committees.

Article 25:

The Board of Directors shall determine the "attendance allowance" granted to committee members provided that not exceeding the average of allowances granted to the members of the Board per month.

Article 26:

The "Consultancy Committee" shall be responsible for:

- 1) Supervision of technical study of statistics, surveys and censuses programs to be conducted, and shall coordinate the implementation of such programs in order to prevent duplication and make the results and data consistent.
- 2) Supervision of forming and updating the standard criteria on the State level in guidance with international basic principles of statistics.
- 3) Proposing the cooperation means and methods with other stakeholders.
- 4) Giving consultancy on all topics to be presented by its chairman or the topics that the committee deems very important to inform the Board of Directors.

Section 11: responsibility of the cabinet in determines the needs of the State from the official statistics.

Article 27:

The Cabinet shall study and determine the needs of the State from official statistics annually from the reality of the presented plan from the Authority, and the Cabinet shall inform the concerned authority with these needs and requirements early enough regarding the concerned year. The concerned authority shall study these needs and requirements right after receiving them, and determine the administrative authorities that will collect the necessary data to produce the required statistics, and then coordinate with these authorities about the way of completion this work, including developing the frames and timetables of implementation the different phases and procedures connected to this work, all according to the provisions stated in of the executive regulation of mentioned law.

Section 12: general rules of conducting statistics

Article 28:

Statistics, censuses and surveys shall be conducted according to agreed scientific, practical, international and ethical principles, specially the following:

- 1) Statistics, censuses and surveys shall be conducted to achieve specific and declared practical benefit.
- 2) Data collection regarding any statistics shall be conducted in neutral and equal way without any distinction.
- 3) The methods of producing statistics, censuses and surveys, and used technical criteria and definitions in this process shall be published.
- 4) It's not allowed to force individuals, authorities or agencies to submit any data to any person, authority or agency or whoever except the concerned authority or who in charge to collect the required data regarding any survey or census they conducting.
- 5) Regarding the statistics that are not included in the action plan of the concerned authority, any individual, authority or agency or whoever shall have written approval from the concerned authority before collecting or disseminating any certified statistics according the stated procedures in executive regulation of the mentioned law, but as for the statistics that including in the action plan of the concerned authority, its prohibited to disseminate any publications, results or statistical data or information except from the reality of statistics of concerned authority.

Section 13: Data Collection

Article 29:

- 1) A respondents whoever their capacity is, have a duty to prepare and submit to the concerned authority or who has been charged all required data connected to official statistics, censuses, surveys or statistics that conducted by the concerned authority, and this data shall be correspond to real data and within the time and way specified by concerned authority. The owner of the establishments or their representative shall allow to the officers charged to perform these tasks to enter their establishments during normal working hours to inspect all documents, records, lists, databases computers.....etc to verify the authenticity of provided data.

The officers charged to conduct statistics or censuses may paint the necessary symbols, statements or marks, to perform their tasks, on buildings and establishments, and it's prohibited to erasure these symbols, statements or marks or obliterate or change its features except after the specified time by concerned authority is up.

Article 30:

All State, public and private authorities and agencies shall help the concerned authority in performing its tasks by execute the asked tasks including providing the concerned authorities with available data continually and regularly upon request of the concerned authority, and with the way that concerned authority deems appropriate, and the officials of these authorities and agencies shall endure the civil, administrative, and criminal liability if they prejudice with theses obligations.

Article 31:

The concerned authority shall specify the appropriate way to acquire the information from its sources including using the necessary tools like networks, multimedia.....etc. Every individual, authority, agency collects or produces certified statistics shall submit a copy to the concerned authority as soon as possible to get dissemination permit.

Section 14: Statistics Dissemination

Article 32:

The concerned authority shall develop a prior time plan of disseminating statistics, censuses, survey and others which conducting by it. The time plan and all the adventitious changes may be happen shall be announced with the appropriate methods according to provisions stated in executive regulation of the mentioned law.

Article 33:

The statistics shall be disseminated and be available for to the general public in the same time without any restrictions or distinction in this respect.

Article 34:

If the concerned authority disseminates in the interest of others, they shall bear the all dissemination costs and any other additional costs out of performing this work, according to provisions stated in executive regulation of the mentioned law.

Section 15: Data Confidentiality

Article 35:

Individual data connected to any statistics, research, census or survey –whoever the one who is responsible for- shall be considered confidential. It's prohibited for any person, authority or agency to be informed or access these data. It's prohibited to use the collected data far other than for the statistical purposes. It's prohibited to disseminate any individual data except after getting a written permit from data provider or from the concerned persons; also it's prohibited to use any statistical data as base to rate a tax or any other financial burden or to use it as an evidence in a criminal or legal proceedings.

The restriction stated in previous clause shall be applied on all the employees in the statistical field even after getting retired.

The restriction stated in the first clause shall not apply on process of data transmission from data collectors to concerned authority and vice versa.

Section 16: crimes and penalties according to this law

Article 36:

According to this law, the employees in the established authority maybe have the capacity to be statistician officers (person who has the legal authority to take a legal action against any contravention of statistical law) and take the necessary actions against any crimes that contravene with statistical law, and they carry out this capacity only upon agreement with the Minister of Justice.

Article 37:

All the statistician officers shall take the upcoming oath before the Board of Directors (I swear by God to perform my work with all impartiality and accuracy, and to fear God and respect the law in all my deeds and behaviors).

It's prohibited for statistician officers to exercise their work except after take the legal oath.

Article 38:

Shall be guilty of an offence and shall be liable on conviction to imprisonment for term not fewer than six months and not exceeding one year and to a fine not fewer than five thousands Egyptian pounds (5000EGP) and not exceeding one hundred thousands Egyptian pounds (100.000 EGP) or one of these penalties for any officer who:

- 1) Violate the data confidentiality provisions, or reveal any individual data or industrial or commercial secrets or any other work methods he may seen while performing his duty in the field of statistics and censuses or even he contribute or attempt to do so.
- 2) Obtained statistics and censuses confidential data or information through swindling, menacing, delusion, fraud or with any other methods, or even contribute or attempt to do so.
- 3) Intentionally interrupt or cause to interrupt any statistics or censuses' activity that was prescribed by the concerned authority.
- 4) Collects or disseminates incorrect statistics or censuses or without permission of the concerned authority.
- 5) All respondents that refuse to supply the required data, or supplied incorrect data, and all who do not supply the required data within one week of term set by the concerned authority consider a refusal from their part, unless it's proved that the reason behind the delay was out of their control.
- 6) Misuse the granted permit of collecting, producing, or disseminating statistics or data, like using the permit in other purposes than the permitted purposes.
- 7) Penetrate, interrupt, access, or modify data that transferred though the networks, or stored in the computers or any other multimedia that used for this purposes and belonging to concerned authority or any other stakeholders, or even contribute or attempt to do so.

In addition to the up mentioned penalties, if one or more employees of non-governmental authorities or agencies....etc, commits one of the up mentioned crimes, the non-governmental authorities or agencies....etc shall be suspend for a term not fewer than six months and not exceeding one year, but in cause of they commit one of these acts again during three years, shall be stopped completely if this act committed upon the best knowledge of this authority.

The conviction verdicts according to this law shall be published in two widely speared Official Gazettes.

Article 39:

It's prohibited to permit to any one commit on of offenses mentioned in this law to work in the field statistics, censuses, or surveys for five years from the date of executed conviction verdict.

Article 40:

The reconciliation may be considered for all offenses mentioned in the law except the offenses of violation of the data confidentiality and this shall be according to mentioned provisions of in this law.

Annex 5. Comments by the consultants on the draft law on statistics in Egypt

To be filled in 2-3 weeks time (until the end of April 2009) after receiving from CAPMAS the English translation of draft law.

EXPERTS' COMMENTS ON THE DRAFT LAW

1. **Title of the law** - Law on Statistics / Law on Statistics and on Public Authority for Statistics
2. Restructure the structure of the law as proposed below.

3. Section 1. General provisions

4. Article 1. Subject matter and scope

This Law establishes a legal framework for the development, production and dissemination of official and other statistics.

Official statistics are statistics for the general public and national authorities to follow economic, social and environment development in Egypt.

The new authority "Statistics Egypt" (further in text - SE) should be established to manage and co-ordinate activities concerning official and other statistics.

5. Article 2. Definitions

- 1) Authority: SE
- 2) Statistics: the information, indicators, and analyses that represent the reality, and resulted from applying scientific and intellectual rules on data.
- 3) Data: it's the required/submitted data from the statistical sources which represent a real fact of the related subject.
- 4) Individual data: is the data that identify single individual or single establishment and in surrounding society.
- 5) Census: is comprehensive counting of all individuals (citizens and foreigners) who existing in counting date (counting night) and inside a specific geographic boundaries (country boundaries), besides collecting demographic, economic and social statistical data for these individuals.
- 6) Delete "Data collection"
- 7) Statistics production: means all the activities related to the collection, storage, processing, and analysis necessary to compile statistics.
- 8) Statistics dissemination: make the statistical results (information, indicators and analyses....etc) available for users.
- 9) Official statistics: statistics that defined yearly by the Cabinet and disseminated by SE.
- 10) Other statistics: statistics that is produced and disseminated by natural and legal persons and governmental authorities other than SE.
- 11) Delete "Statistical source"
- 12) Other statistical stakeholder: individuals/authorities....etc that have a permission to work in the field of statistics even in collecting or processing statistical data or statistics dissemination inside the republic and for statistical purposes and on continuous bases.
- 13) Standard criteria: the international definitions, methodologies and classifications that adapted by concerned authority and to be harmonized with regional and international criteria
- 14) Evaluation: to be sure that the other stakeholders reached to specified level of quality for all the work phases in order to guarantee the correctness and accuracy of the statistics results.
- 15) Respondent: a person or an authority that is asked to prepare and submit data for production of statistics.

- 16) Confidential data: means data which allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information.

6. Section 2. Statistical governance

7. Article 3. Statistics Egypt

Public Authority titled "Statistics Egypt " shall enjoy independency, has the legal personality and subordinated to the President of the Republic. The headquarter of SE shall be based in Cairo, and it has the right to establish a branches or centers all over the Republic. (A1)

8. Article 4. Creation of SE.

(1) Activities concerning statistics, censuses, IT, training, and information handling, wherever it stated in laws, regulations or decrees shall be transferred from Central Agency for Public Mobilization and Statistics to SE. (A2)

(2) Executive regulation provides details concerning staff transfer and budget issues. (A 3, 4)

9. Article 5. Tasks of SE (A 8)

SE shall have the following tasks:

1. Co-ordination of the statistical process in the republic.
2. Developing the statistical policy of the republic.
3. Conducting the statistics and censuses required by the State, and specify their dates, define their methods and results dissemination, and identify the authorities and agencies that have a role in this operation and specify this role.
4. Full co-ordination between the statistical operations and other stakeholders.
5. Co-ordination with other stakeholders in a way that grantee reaching to integrated system which includes criteria, applying rules, procedures, definitions, classifications and the mechanisms of performance-measuring guided by applied international criteria and scientific rules, provided that not conflicting with the status of the State. The co-operation shall also prevent duplication and diminish response burden.
6. To disseminate official statistics.
7. Increasing statistical awareness among the individuals and other authorities and agencies with explaining the importance of statistics.
8. To provide training and consultation in statistical field.
9. Comprehensive evaluation of other stakeholders and their statistical activities according to standard criteria of statistics adopted by concerned authority in order to ensure the high quality of statistics.
10. Issuing permits for work in statistical field on permanent basis.
11. Issuing permits for individuals, authorities and agencies in conducting additional statistical work which is not included in the Program of official statistics.
12. Detailed provisions will be given in the Executive regulation.

10. Article 6. SE Board of Directors

(1) The Board of Directors shall be formed from a chairman, heads of sectors or their representatives, heads of central departments that subordinate directly to chairman of the authority, one of Chairman of State Council's deputy which chosen by the Chairman of State Council, dean of Statistical institute and the head of Authority's staff syndicate committee. (A17)

(2) The Presidential Decree determines the members of the Board of Directors and their attendance allowance.

11. Article 7. Tasks of SE Board of Directors

SE Board of Directors shall have the following tasks:

1. To prepare a proposal for Program of official statistics to be submitted to the Cabinet;
2. To prepare SE annual report containing results and recommendations to be submitted to the President of the Republic, Speaker of the Egyptian People's Assembly and to Prime Minister. (A 16)
3. To consult the Consultative Committee on a proposal for the Program of official statistics and other relevant statistical issues;

4. To determine the "attendance allowance" granted to the members of Consultative Committee provided that not exceeding the average of allowances granted to the members of the Board per month;

5. To

12. Article 8. Organizational matters of SE Board of Directors (A 19)

(1) The Board of Directors shall hold a meeting on an invitation from its chairman or a majority of its members twice a month at least, or whenever it's necessary.

(2) Decision taken by the majority of votes, and in case of equalization, the vote of chairman considers the decisive vote.

(3) The Board of Directors may form one or more sub-committees chaired by one of the members and entrusted on a temporary base some of its responsibilities, or to perform a new task.

(4) In case of absence of chairman of the board, the most senior member from the participants in the formation decree shall replace him.

13. Delete (A 20)

14. Article 9. Consultative Committee for Statistics

(1) Consultative Committee for Statistics shall be formed of a number of technical experts, not more than fifteen members representing the various sectors of Egypt and the high Statistical experiences as well. (A24)

(2) The Presidential Decree determines the members of the Consultative Committee for Statistics and their attendance allowance.

15. Article 10. Tasks of the Consultative Committee for Statistics:

1. To deliver opinion on a proposal for the Program of official statistics;

2. Giving consultancy on all topics to be presented by its chairman and relevant statistical issues raised the members or the topics that the committee deems very important to inform the Board of Directors;

3. Assessment of technical study of statistics, surveys and censuses programs to be conducted;

4. Supervision of forming and updating the standard criteria on the State level in guidance with international basic principles of statistics.

16. Article 11. Organizational matters of the Consultative Committee for Statistics (A 24)

(1) The Consultative Committee for Statistics shall be chaired by the President of SE.

(2) The above mentioned committee shall hold a meeting upon invitation from its chairman once a month at least.

(3) The committee may form sub-committees chaired by one of its members. A number of the professional experts not form the committee members may be joined to such sub-committees.

17. Delete (A 27)

18. Section 3. Principles for production of statistics (A 28)

Article 12. General principles

Statistics, censuses and surveys shall be conducted according to established scientific, practical, international and ethical principles, specially the following:

1) Statistics, censuses and surveys shall be conducted to achieve specific and declared practical benefit.

2) Data collection regarding any statistics shall be conducted in neutral and equal way without any distinction.

3) The methods of producing statistics, censuses and surveys, and used technical criteria and definitions in this process, shall be published.

19. Delete A 9.

20. Delete A 12-15.

21. Section 4. Financial matters of SE

22. Article 13. Financial sources of SE

The financial resources of the Authority are:

1) The allocated budget from the State even annual or exceptional budget;

- 2) Its own revenue acquired from payments in return for services and consultations in the scope of achieving its objectives;
- 3) Fees of issuing work permits, fees of stakeholders' evaluation and fees of complaint;
- 4) Approved grants, donations and subsidies by the Board and not incompatible with the objectives of the Authority;
- 5) Investment Proceeds of Authority's funds; and
- 6) Proceeds of fines that mentioned on the law.

23. Article 14. Budget

The authority shall have an independent budget, which start and end according to the State's fiscal year, and the funds of the authority shall deposit in an account in the Central Bank of Egypt or any other national bank, but after the approval of Central Bank of Egypt, and the surplus of authority's account shall be Carry-over from year to year. (A 22)

24. Article 15. Funds

The funds of the Authority considers a public funds, hence, the authority is entitled to take the all the Legal proceedings to obtain its rights, including the administrative detention. (A 23)

25. Section 5. Official statistics.

26. Article 16. Obligations of respondents

A respondents whoever their capacity is, have a duty to prepare and submit to the concerned authority or who has been charged all required data connected to official statistics, censuses, surveys or statistics that conducted by the concerned authority, and this data shall be correspond to real data and within the time and way specified by concerned authority. The owner of the establishments or their representative shall allow to the officers charged to perform these tasks to enter their establishments during normal working hours to inspect all documents, records, lists, databases computers.....etc to verify the authenticity of provided data.

The officers charged to conduct statistics or censuses may paint the necessary symbols, statements or marks, to perform their tasks, on buildings and establishments, and it's prohibited to erasure these symbols, statements or marks or obliterate or change its features except after the specified time by concerned authority is up. (A 29)

27. Article 17. Support

All State, public and private authorities and agencies shall help the SE in performing its tasks by execute the asked tasks including providing the concerned authorities with available data continually and regularly upon request of the concerned authority, and with the way that concerned authority deems appropriate, and the officials of these authorities and agencies shall endure the civil, administrative, and criminal liability if they prejudice with theses obligations. (A 30)

28. Article 18. Dissemination calendar

The SE shall develop a prior time plan of disseminating statistics, censuses, survey and others which conducting by it. The time plan and all the adventitious changes may be happen shall be announced with the appropriate methods according to provisions stated in executive regulation of the mentioned law (A 32)

29. Article 19. Dissemination policy

The statistics shall be disseminated and be available for to the general public in the same time without any restrictions or distinction in this respect. (A 33)

30. Section 6. Other statistics

31. Article 20. Procedures for production and dissemination of other statistics

(1) Regarding the other statistics, any individual, authority or agency or whoever shall have written approval from the SE before collecting or disseminating any statistics according the stated procedures in executive regulation. (A 28 5)

(2) Every individual, authority, agency who collects or produces other statistics shall submit a copy to the SE as soon as possible in order to get dissemination permit. (A 31)

32. Article 21. Voluntary submission

Submission of data for the purpose of the production of other statistics shall be voluntary. (A 28 4)

33. Article 22. Costs

If the concerned authority disseminates in the interest of others, they shall bear the all dissemination costs and any other additional costs out of performing this work, according to provisions stated in executive regulation of the mentioned law. (A 34)

34. Section 7. Statistical confidentiality.

35. Article 23. (A 35)

(1) Individual data connected to any statistics, research, census or survey –whoever the one who is responsible for - shall be considered confidential. It's prohibited for any person, authority or agency to be informed or access these data. It's prohibited to use the collected data far other than for the statistical purposes. It's prohibited to disseminate any individual data except after getting a written permit from data provider or from the concerned persons; also it's prohibited to use any statistical data as base to rate a tax or any other financial burden or to use it as evidence in criminal or legal proceedings.

(2) The prohibitions stated in previous clause shall be applied on all the employees in the statistical field even after getting retired or leaving their employment or other reasons.

(3) The restriction stated in the first clause shall not apply on process of data transmission from data collectors to concerned authority and vice versa.

36. Section 8. Crimes and penalties.

37. Article 24. Statistics officers.

(1) Statistics officer is a person who has the legal authority to take a legal action against any contravention of this law and to take the necessary actions against any crimes that contravene with this law. The SE employees may have work as statistics officers, and they carry out this capacity upon agreement with the Minister of Justice. (A 36)

(2) Before the statistics officers begin their service they shall take the oath before the Board of Directors (I swear by God to perform my work with all impartiality and accuracy, and to fear God and respect the law in all my deeds and behaviors). (A 37)

38. Article 25. Crimes

Shall be guilty of an offence and shall be liable on conviction to imprisonment for term not fewer than six months and not exceeding one year and to a fine not fewer than five thousands Egyptian pounds (5000 EGP) and not exceeding one hundred thousands Egyptian pounds (100.000 EGP) or one of these penalties for any person who: (A 38)

- 1) Violates the data confidentiality provisions, or reveals any individual data or industrial or commercial secrets or any other work methods he may seen while performing his duty in the field of statistics and censuses or even he contributes or attempts to do so.
- 2) Obtains confidential data through swindling, menacing, delusion, fraud or with any other methods, or even contributes or attempts to do so.
- 3) Intentionally interrupts or causes to interrupt any statistics or censuses' activity that was prescribed by the concerned authority.
- 4) Collects or disseminates incorrect statistics or censuses or without permission of the concerned authority.
- 5) Refuses to supply the required data, or supplies incorrect data, and all who do not supply the required data within one week of term set by the concerned authority consider a refusal from their part, unless it's proved that the reason behind the delay was out of their control.
- 6) Misuses the granted permit of collecting, producing, or disseminating statistics or data, like using the permit in other purposes than the permitted purposes.
- 7) Penetrates, interrupts, accesses, or modifies data that transferred though the networks, or stored in the computers or any other multimedia that used for this purposes and belonging to concerned authority or any other stakeholders, or even contribute or attempts to do so.

39. Article 26. Special penalty (A 38)

(1) If one or more employees of non-governmental authorities or agencies....etc, commits one of the up mentioned crimes, the non-governmental authorities or agencies....etc shall be suspend for a term not fewer than six months and not exceeding one year, but in cause of they commit one of these acts again during three years, shall be stopped completely if this act committed upon the best knowledge of this authority.

(2) The conviction verdicts according to this law shall be published in two widely speared Official Gazettes.

40. Article 27. Prohibition of permits (A 39)

It's prohibited to permit to any one commit on of offenses mentioned in this law to work in the field statistics, censuses, or surveys for five years from the date of executed conviction verdict.

41. Article 28. Reconciliation (A 40)

The reconciliation may be considered for all offenses mentioned in the law except the offenses of violation of the data confidentiality and this shall be according to mentioned provisions of in this law.

42. Section 9. Final provisions

President of Republic shall issue the executive regulation of this Law during six months from the date of issuing. (A 5)

This Law shall repeal Law No.35/1960 of statistics and census, also the presidential decree No.2915/1964, and any other legal text contracting with the mentioned law. (A 6)