

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
GOVERNMENT**

**Decree-Law No. /2003
Of.../.**

ON STATISTICS

Statistical data is a fundamental working element intended to know and quantify the country's reality, allowing for the planning of its economic development.

The collection, disclosure and co-ordination of official statistical data shall be conducted in a professional manner and in compliance with international standards, in order to secure reliable outputs that may be used effectively.

Over and above, it is expedient to ensure that the collection and treatment of data and the disclosure of statistical information are carried out with respect for the constitutional provisions that determine the right to privacy and the protection of inquired citizens' personal data, keeping its confidentiality, in compliance with the combined provisions of sections 36, 38 and section 92.2(e) of the Constitution of the Republic.

In these terms, and pursuant to section 115.3 of the Constitution of the Republic, the Government enacts the following that shall have the force of law:

**Section 1
Statistical data and statistical information**

1. For the purposes of this Decree-Law, statistical data is that which refers to individuals or corporate persons, households or public entities, and that is collected for statistical purposes.
2. Statistical information, in turn, is information resulting from the aggregation of statistical data and that characterise economic, social and demographic phenomena.

**Section 2
Collection of statistical data**

The collection of statistical data shall be conducted by:

- (a) Holding statistical surveys, which may take on the form of sampling or primary statistics in which data is obtained through personal interviewing by mail or any other authorised means;
- (b) Sources of already existing administrative data, originally intended for purposes other than the statistical one;

Section 3

Statistical principles

1. Official statistical data is governed by general principles intended to guarantee the reliability of the collected data and information.
2. To personal data, notably the conditions for its treatment, principles to be defined by a separate legal instrument shall apply.
3. The statistical activity shall be governed by the following fundamental principles:
 - (a) Scientific methodology;
 - (b) Methodological autonomy;
 - (c) Protection guarantee for data of individuals and corporate persons;
 - (d) Co-ordination and incorporation of official statistical data in order to set up a coherent and rational system.

Section 4

Confidentiality of individual data

1. Individual data is the statistical data and information contemplated in section 1.
2. Individual data is strictly confidential and shall not be disclosed, unless otherwise expressly authorized in writing by the person or entity concerned.

Section 5

Professional secrecy and pledge of honour

Every statistics officer and employees working on official statistical data are bound by the duty to keep professional secrecy and shall sign a pledge of honour in this respect, on the following terms:

“I, ..., declare upon my honour that I will fulfil my duties with honesty and integrity, as provided for by law.

I further solemnly declare that I will keep professional secrecy with respect to all information that may have come to my knowledge in the course of my statistical activity, and I pledge that I will not disclose it, for the duration of my employment in the field of statistics and even after my separation from it, unless otherwise expressly authorised in writing by the National Directorate of Statistics, Ministry of Planning and Finance.”

Section 6

Obligation to furnish data for official statistics

1. Individuals and corporate persons are obligated to furnish all data required to prepare official statistics.
2. The obligation to furnish data shall only apply in respect of official statistics or, where this is not the case, shall depend on whether or not the inquired person is willing to furnish the data requested.

Section 7
Competency to prepare mandatory statistics

1. The preparation of mandatory official statistics is the competency of the National Directorate of Statistics, Ministry of Planning and Finance.
2. Persons inquired in official statistical sampling shall provide the National Directorate of Statistics, Ministry of Planning and Finance, with the requested data in a precise, comprehensive manner and within the required deadline
3. The conduct of mandatory statistical surveys by other public entities is subject to prior authorisation from the National Directorate of Statistics.
4. Subsumed under the provision of the preceding subsection are, namely, the cases contemplated in subsection 2.1(d) of UNTAET Regulation No. 2001/3, on the establishment of the Central Civil Registry for East Timor.
5. Declaration forms, of goods imported into or exported from Timor-Leste, must be submitted to the National Directorate of Statistics within three (3) months from the date of collection.

Section 8
Conduct of mandatory statistics by other entities

The Ministry of Planning and Finance may authorize the conduct of official statistical work by other public entities, when deemed necessary and opportune, following a well-founded proposal by the National Directorate of Statistics.

Section 9
Offences and penalties

1. Breach of section 6 of the present Decree-Law carries a disciplinary proceeding against the offender, without prejudice to the criminal liability to which the case may be subject.
2. An inquired person who refuses a request for official statistical data shall incur the following administrative penalties:
 - (a) US\$ 100, in the case of an individual;
 - (b) US\$ 2,000, in the case of a corporate person or public entity.
3. The payment of a penalty, under the terms established by the preceding subsection, shall not exonerate the payer from the obligation to furnish the required statistical information.

Section 10
Entry into force

The present Decree-Law shall enter into force on the day subsequent to its date of publication.

Approved by the Council of Ministers on 4 August 2003. -

The Prime Minister

[Signed]

Mari Bim Amude Alkatiri

The Minister of Planning and Finance

[Signed]

Maria Madalena Brites Boavida

Promulgated on 8 August 2003. -
To be published.

The President of the Republic

[Signed]

Kay Rala Xanana Gusmão