

**LAW NO. 5/2010
OF 21 APRIL**

**2010 General Population and Housing Censuses
(2010 Censuses)**

Holding of population and housing censuses is an indispensable operation for obtaining information on the social and economic reality of the country.

The objective of the 2010 General Population and Housing Censuses is to count and characterize the population residing in Timor-Leste and count the existing housings and respective conditions of habitability through an exhaustive collection of information and data through inquiry and data processing operations.

The objective of this law is therefore to provide a legal framework for the census activity to take place in 2010 by establishing the entities responsible for its execution, including the procedures for its funding and the mechanisms deemed necessary for safeguarding confidentiality of collected information.

Thus, pursuant to article 92.1 and article 95 of the Constitution, the National Parliament enacts the following to have the force of law:

**Chapter I
General provisions**

**Article 1
Object**

This law shall establish the norms to be observed by the General Population and Housing Censuses, hereinafter referred to in short as 2010 Censuses, to be conducted in 2010 throughout the territory of Timor-Leste.

Article 2

Scope

The 2010 Censuses shall be conducted throughout the national territory and shall cover the entire population and housings.

Article 3

Objectives

The objectives of the 2010 Censuses are to collect, verify, analyse and disseminate official statistical data referring to the demographic and socio-economic characteristics of the covered population as well as the characteristics of the housings.

Article 4

1. The 2010 Censuses shall be conducted throughout the territory of Timor-Leste, and the census moment shall be 11 July 2010.
2. The collection of data shall take place during the period between 11 July and 25 July 2010.

Article 5

Execution

The 2010 Censuses shall be conducted through mandatory and free of charge-response questionnaires indicating the census moment.

Chapter II

Primary variables

Article 6

Primary variables

The primary variables to be observed shall be defined by decree-law.

Chapter III

Participating entities

Article 7

Participating entities

1. The following entities shall participate in the conduct of the 2010 Censuses:

- a) The National Directorate of Statistics (DNE);
- b) The 2010 Censuses Coordination Commission;
- c) The 2010 Censuses Technical Commission;
- d) Any Ministry services with competence in population registration matters.

2. The competencies of the entities referred to in the preceding paragraph shall be those contained in their respective organic statutes as approved by the Government.

Article 8 Special censuses

It shall be incumbent upon the respective ministry to organize and conduct the census of the personnel assigned to the external services of embassies and consulates of Timor-Leste, in accordance with instructions from the National Directorate of Statistics.

Chapter IV Funding and expenses

Article 9 Remuneration complement

During the period they coordinate and monitor the activities of collecting data for the 2010 Censuses, functionaries and agents of the administration shall be entitled to a remuneration complement under the terms to be established by instruction of the Minister of Finance.

Article 10 Funding

The funds for the 2010 Censuses shall originate from the State Budget and from donations provided by development partners.

Chapter V

Protection of personal data

Article 11

Statistical secret

1. The objective of the statistical secret is to safeguard privacy of citizens, preserve competition among economic agents, and ensure confidence of informants in the statistical system.
2. Every statistical information of an individual nature collected by the National Directorate of Statistics or by any entity collaborating with it pursuant to the law shall be of a confidential nature and, as such:
 - a) They cannot be discriminately inserted in publications or provided to any person or entity, and no certificate thereof may be issued;
 - b) They constitute a professional secret for all functionaries and agents who come across them;
 - c) No service or authority may order or authorize their examination.
3. Individual information on individuals can never be divulged.

Article 12

Personal data

1. Questionnaires containing personal data shall be retained only for the period deemed necessary to produce statistical information and shall be disposed of within two years of the census moment.
2. Personal data collected in the questionnaires shall become anonymous once introduced in electronic devices.

3. Access to data by its subjects after completion of data collection operations shall not be allowed.

Chapter VI Dissemination

Article 13 Media

State media shall collaborate in the dissemination of census operations.

Chapter VII Offenses and sanctions

Article 14 Administrative offenses

1. A fine of USD 250 shall be imposed upon any person who, being obliged to provide information in the framework of this law and related instruments and acts for its implementation:

- a) Fails to provide the required information within the established timeframe;
- b) Provides incorrect, insufficient, or misleading information.

2. A fine of USD 500 shall be imposed upon any person who opposes himself or herself to the actions undertaken by the people involved in data collection activities for this census.

3. A fine of USD 1000 shall be imposed upon any person who, for purposes other than those provided for in this law, utilizes individual data collected under this law or otherwise violates the statistical secret, without prejudice to the disciplinary or criminal liability emerging from such facts.

Article 15 Criminal offense

Any person disseminating data collected in the framework of this census for purposes other than those provided for in this law shall be punished with a penalty of imprisonment of up to 2 years.

Chapter VIII
Final provisions

Article 16
2010 Censuses

The next General Population and Housing Censuses shall take place in the year 2020 (2020 Censuses).

Article 17
Subsequent regulation

It shall be incumbent upon the Government to approve the statutes necessary to the execution of this law.

Article 18
Entry into force

This law shall enter into force on the day after its publication.

Approved on 30 March 2010.

The Speaker of the National Parliament,

Fernando Lasama de Araújo

Promulgated on 13/4/2010.

For publication

The President of the Republic.

Dr. José Ramos-Horta