

**PROPOSAL FOR FOLLOW-UP WORK  
ON MODERNISING STATISTICAL LEGISLATION**

**Prepared by the Secretariat**

*The Conference of European Statisticians (CES) endorsed the “Guidance on modernising statistical legislation” in June 2018, including proposals for further work. This note presents more detailed suggestions on follow-up activities on modernising statistical legislation. **The Bureau approved the proposals.***

**I. INTRODUCTION**

1. Improving the governance of statistical production and the legal framework is a priority for many countries and fundamental to producing high-quality statistics. Therefore, after endorsing the *Generic Law on Official Statistics* as a recommendation for the countries of the sub-region of Eastern Europe, Caucasus and Central Asia, the Conference strongly supported the initiative to extend the guidance to all CES countries and beyond.

2. In April 2016, the CES Bureau set up a Task Force (chaired by the United Kingdom and Latvia) to identify common elements of national statistical legislation to support countries in reinforcing their legal frameworks with the aim to guarantee independence, integrity and accountability of national statistical systems and high quality of official statistics. In June 2018, the Conference endorsed the *Guidance on modernising statistical legislation* developed by the Task Force. The Conference supported the proposals for further work including reviewing the Guidance in five years as proposed by the Task Force, and asked the CES Bureau to decide on the next steps.

**II. PROPOSALS OF THE TASK FORCE**

3. The Guidance aims to support further work to modernize the legal and institutional frameworks of statistical production. The guidance is not intended to be binding, but to support countries wishing to review or revise their statistical legislation. It brings together the strategic aspects of a strong legal framework of official statistics that is based on the Fundamental Principles of Official Statistics, the European Statistics Code of Practice and the OECD Recommendation on Good Statistical Practice.

4. While statistical legislation should provide a solid and rather stable foundation for statistical work, the assessment and development of the legal and institutional framework should be a continuous process. As an aid to helping take forward that continuous action, the Task Force made the following proposals for further work:

- All countries are invited to make use of the *Guidance on Common Elements of Statistical Legislation* to review the national Statistical Law and other related legislation. National Statistical Systems would benefit from preparing their vision for future development of the Statistical Law based on the current gaps and challenges. The Task Force recommends keeping an eye on the legal and institutional frameworks of official statistics to anticipate needs and develop statistics in an agile and forward looking way.
- CES should host regular meetings of legal and managerial experts of statistical offices to review progress and collect experience and best practice in the modernization of legal and institutional frameworks of official statistics. An organizing committee or a Steering Group, composed of a few countries, could be established to organize these expert meetings, consider the need for future guidance and coordinate requests for assistance from countries developing their Statistical Laws.
- Additional ad-hoc meetings could be held to address specific subjects related to legal considerations, such as data exchange. These meetings should include other relevant experts such as data security professionals.
- Countries should supply their own relevant material to the expert meetings to share their experience, especially in emerging issues such as access to and use of private data sources, cooperation with geospatial agencies, new roles of the NSO for instance in government data management etc.
- Legal experts and managers of statistical offices are invited to consider what kind of exchange of experience, supporting materials and practical guidance would need to be developed to strengthen statistical legislation and implement it effectively.
- UNECE should seek collaboration with other international organizations and donor countries to support countries with developing statistical systems in this area.
- The UNECE work should contribute actively to global initiatives to develop legal and institutional frameworks of official statistics beyond the CES region, such as to the renewal of the UNSD Handbook of Statistical Organization.
- Review after five years whether this guidance needs updating in the light of experience gathered nationally and internationally, and taking into account new changes to the statistical and legal environment.

### III. PROPOSALS RECEIVED DURING THE CES ELECTRONIC CONSULTATION

5. In the electronic consultation on the Guidance prior to the CES plenary session, CES members expressed support for the proposals presented by the Task Force in the document, and made additional proposals for follow-up work on modernising statistical legislation.

6. Australia expressed support for an ongoing mandate for a group to discuss emerging issues such as open data, erosion of public trust due to data breaches (e.g. Facebook, Cambridge

Analytica), government data leaks, but would be less likely to support an ongoing mandate for a group to focus on common elements of statistical legislation.

7. Australia proposed to promote the Guidance as a compulsory read for new Chief Statisticians and senior officers who do not have background in statistical systems, and embedding it in leadership training programmes. Australia also proposed to turn selected parts of the Guidance into standalone documents to make it easier to use for NSO staff.

8. Canada supported the continued collaboration of experts for improvement and efficiency of statistical legal frameworks.

9. The following proposals were made for further improvement of the Guidance in future:

- Collect country cases where shortcomings of legislative and institutional frameworks were addressed (Canada).
- Introduce mandatory compliance for producers of official statistics with the geo-spatial standards and classifications (Colombia).
- Clarify further the relationship between the coordination of statistical activities within an NSS and the authority NSOs have over those activities (United Kingdom).

#### IV. SUMMARY PROPOSAL ON THE WAY FORWARD

10. Based on the suggestions from the Task Force and the CES members, the following lines of action are proposed:

##### (a) Promoting the Guidance

- UNECE will publish the Guidance in English by the end of 2018. A Russian version will be published in 2019.
- Executive summary and common elements with their expected outcomes will be turned into standalone brochures and disseminated electronically through the UNECE website and wiki spaces.
- The Guidance will be referred to in the CES Member's Guide and CES leaflet as recommended reading material for NSO management.

##### (b) Convening meetings to discuss emerging issues relevant for statistical legislation

- Organize biennial meetings to discuss emerging issues posing challenges to statistical legislation, and to share experiences on successfully addressed shortcomings of legislative and institutional frameworks. An Organizing Committee could be established for this purpose.
  - The meetings will ensure continued collaboration of experts on statistical legal frameworks, and collaboration between UNECE and other international organizations in this area.
  - The meetings should identify what other supporting materials and practical guidance is needed to strengthen statistical legislation and implement it effectively.

- Emerging issues relevant for statistical legislation could be captured across all the CES teams of specialists and their working areas. In particular, the work in the following areas may contribute to identifying emerging issues:
    - Task Force on exchange of economic data
    - Task Force on measuring extreme events and disasters (confidentiality and use of individual data for disaster response)
    - Steering Group on population and housing censuses
    - Steering Group on migration statistics (exchange of data)
    - High-Level Group on Modernisation of Official Statistics:
      - Data collection and data sources
      - Data confidentiality
      - Human resources management
      - Dissemination and communication
- (c) **Contribute to global initiatives on legal and institutional frameworks of statistics**
- All CES recommendations and guidelines are available as resources for the update of the *UN Handbook of Statistical Organisation*. In particular, the Handbook will benefit from the *Generic Law on Official Statistics*, *Guidance on Modernising Statistical Legislation* as well as “ModernStats” models developed under the auspices of High-Level Group on Modernisation of Official Statistics: Generic Activity Model for Statistical Organizations (GAMSO), Generic Statistical Business Process Model (GSBPM) and Generic Statistical Information Model (GSIM).
- (d) **Support countries with developing statistical systems**
- UNECE will rely on *Generic Law for Official Statistics* and *Guidance on Modernizing Statistical Legislation* in its capacity development and technical cooperation activities in EECCA region, in particular, in the Global Assessments of National Statistical Systems.
- (e) **Review the Guidance within five years**
- Based on the experience gathered nationally and internationally on modernising statistical legislation as well as emerging issues identified through biennial meetings, the Organising Committee will report to the CES Bureau whether the Guidance needs to be reviewed and updated in five years.

## V. PROPOSAL FOR DECISION BY THE BUREAU

**11. The Bureau is invited to comment and decide on the proposed follow-up actions on modernising statistical legislation, as described in Section IV.**