

New legal framework for statistical production in Colombia: lessons, discussion and challenges

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UNECE/EFTA Workshop on Modernizing
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Tirana, Albania
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Context of discussion and approval of the bill

DANE Colombia

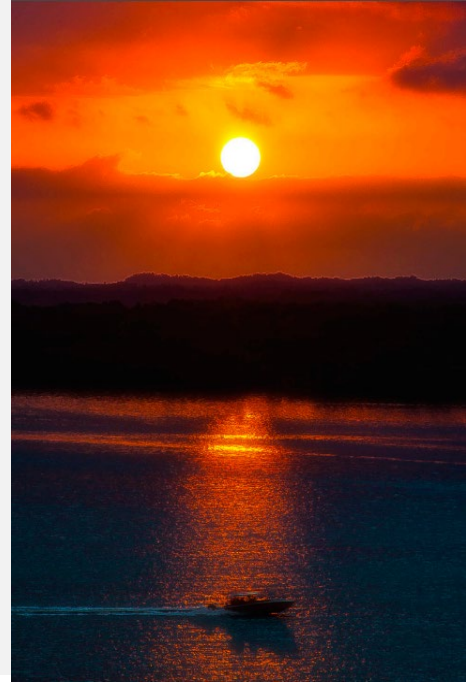
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Imagine a Country...

- 1,141,748 km² of land size.
- 98 general ecosystem types, and more than 8000 specific ones, from arid deserts to exuberant forests.
- 67,000 species of fauna and flora.
- For every 10 species on the planet, one inhabits this country.
- First place in species of birds, butterflies and orchids; second in plants, amphibians and freshwater fish.
- Crossed by mountains and rivers that divide the territory into geographical regions with deep cultural and historical differences.



Imagine a Country...

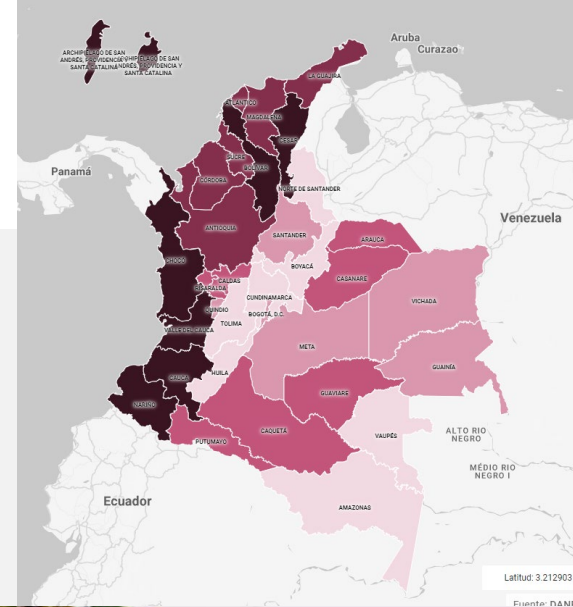


- More than 52 million of inhabitants.
- About 102 indigenous ethnic groups located in different parts of the national territory, each with their own languages, cultural manifestations and traditions.
- Other ethnic groups such as the Rrom (Romani), two Afro-descendant peoples with their distinct languages and a large urban Afro population.

But also imagine...

- More than 50 decades of armed intern conflict.
- High levels of poverty and other social problems such as drug trafficking and deep historical inequalities.
- This country exists and its name is **COLOMBIA**. With an impressive natural beauty and with an unparalleled cultural and ethnic richness and diversity.
- Its National Statistical Office is National Administrative Department of Statistics: DANE (by its acronym in Spanish).

DANE
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Referents for updating the legal framework for statistical production in Colombia

- In 2019, DANE began a process to replace a set of decrees, partial laws and other lower-ranking regulations that were scattered and outdated.
- International references:
 - **Fundamental Principles of Official Statistics**, UNECE (1992) United Nations Statistical Division (1994), adopted by the General Assembly of the United Nations.
 - OECD **Assessment of the Statistical System and Key Statistics** of Colombia (2015)
 - **European Statistical System (ESS) Quality Declaration**, European Statistical System (2016).
 - **European Statistics Code of Practice**, Eurostat (2017, II rev)
 - **Guidance on Modernizing Statistical Legislation**, UNECE (2019)
 - **Recommendation of the Council on Good Statistical Practice**, 2020, OECD
 - **Generic Law on Official Statistics** (2016); For **Latin America ECLAC** (2020)



→ Law of Official Statistics of Colombia

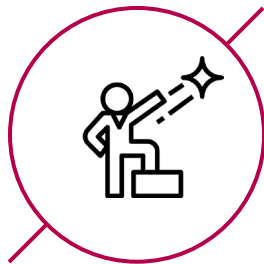
Law No. 2335
of 2023

*"By which provisions
are issued on official
statistics in the
country"*

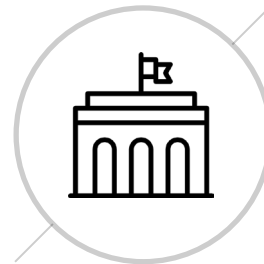
Relevance of Bill 222 of 2021 House, 383 of 2022 Senate



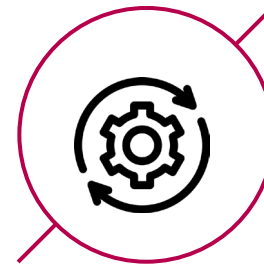
It elevates to the rank of law the international standards (OECD, ECLAC) that DANE has been adopted and that bring Colombia up to date with the **best international practices** for statistical production.



It becomes a **leadership tool** for Colombia at the regional level in terms of strengthening the production of statistics, within the framework of the presidency of the Executive Committee of the Statistical Conference of the Americas of ECLAC, 2020-2021.



It consolidates DANE as a **technical, transparent and cutting-edge entity** that uses a broad portfolio of information sources, which includes not only high-quality censuses and surveys but also administrative records of public and private origin that comply with high standards and interoperability.



It **updates and systematizes the regulations** on statistical matters in Colombia, strengthening the National Statistical System in Colombia, under the leadership of DANE.

Sensitive points of debate

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Strengthening of the **statistical reserve**

- Incorporates the **current data protection regulations** in the context of the production of statistics, and develops statistical reserve, through a whole chapter in the Law.
- **Extends the reserve to administrative records**, not only to censuses and traditional statistical operations. It reaffirms that the confidentiality applies even to fiscal, judicial, tax or commercial requirements.
- The information collected, produced or received by DANE is **only for statistical purposes**.
- The reservation is **extended to all entities producing official statistics**, for the use of the information collected exclusively for statistical use.



Decentralization of the National Statistical System (NSS/SEN)

- The Law contains the guiding principles, definitions and the purpose, objectives and general rules of the **National Statistical System** (NSS; SEN, by its acronym in Spanish).
- Establishes provisions to promote interoperability, the use of administrative records and the strengthening of the use of ICT.
- Creates **quality duties** for NSS members such as the development of strategies, and the implementation of principles and good practices in the production of statistics.
- Promotes the production of statistics by all members of the NSS and the transference of capabilities.
- Establishes the **duty of security and custody** of data in **all phases** of reception, processing and storage, for all members of NSS.



Independence of the Statistical Office

- Contains the **guiding principles** governing official statistics: accuracy, **impartiality**, **technical independence**, technical rigor **and transparency**.
- Explicitly ratifies DANE as the technical statistical **authority in Colombia** and the **governing body** of the National Statistical System - NSS/SEN.
- Establishes a **CENSUS CYCLE** based on international standards: every 10 years, with intercensal counts every 5 years (Population and Housing Census, Agricultural Census, Economic Census and Mining Census).
- Guarantee of planning and execution of the Censuses, with their **financing** from the General Budget of the Nation.



Balance between **data use** and **data protection**

- It was built from the provisions of Statutory Laws regarding the **protection and processing of personal data**.
- Develops the **exception** regarding the **treatment of sensitive data by DANE** for statistical purposes, but forces DANE to adopt the highest quality standards for the collection and treatment of sensitive data.
- Reaffirms the **exclusive use for statistical purposes**, the **duty of security** in the processing and storage of data, and the **use of administrative records** for statistical purposes.
- Promotes the use of administrative records but preserving the duty of **develop capabilities and technological infrastructure** to guarantee data protection.



Quality, new methodologies and modernization of sources

- The Law recognize alternative sources and the use of administrative records, **not only censuses and surveys**.
- Implement innovative processes in the production of official statistical information; taking advantage of the use of data (traditional and unstructured) for statistical purposes.
- Raises to the rank of law the **quality evaluation and certification scheme** established by DANE.
- Introduces **quality as a duty of all producers** of statistics.
- Establishes the **Comprehensive Statistical Quality Assurance Framework**, with external and independent instances such as international peers.



Legal challenges and creative solutions

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Stakeholders and topics of debate (public and private sector)

- **Presidency of the Republic:** Appointment of DANE director as a constitutional functions of the president of the republic.
- **Treasury Minister:** Independence in economic indicators production.
- **National Police and Military Forces:** Exception for the **unenforceability of the reserves**, regarding national security issues.
- **Conservative Party:** Inclusion of “sex” in the list of differential approaches and not just gender.
- **Central Public Bank:**
 - Independence of the information management of the central bank.
 - Data protection and risks of lost of information.
 - Costs and capabilities for public entities to adopt quality standars.
 - Modulate the principle of transparency for data protection.
- **Mobile Sector:**
 - Business secrecy and international competition protection standards.
 - Obligation of private companies to share their information with the State.
 - Request for processing as a Statutory Law.

Law No. 2335 of 2023

“By which provisions are issued on official statistics in the country”

The Congress of
Colombia,

DECREES

Data access, **sharing, privacy**, technology and use of **administrative records**

- **Unenforceability of the reserves.**
- Progressivity in the implementation of international standards (costs and capabilities).
- Not excessive burden for the people surveyed and other sources.
- Own definition of alternative sources.
- Own definition of experimental statistics.
- Obligation to implement international standards and best practices for the members of the NSS/SEN and continuous quality improvement.

Use of administrative records

- **Unenforceability of the reserves**
- Progressivity in the implementation of international standards (costs and capabilities).
- Not excessive burden for the people surveyed and other sources.
- Own definition of **alternative sources**.
- Own definition of **experimental statistics**.
- Obligation to implement international standards and best practices for the members of the NSS/SEN and **continuous quality improvement**.

Ethic framework and principles

- **Principle of inclusion.**
- Definition of differential approach.
- Committee of International Peer Experts for the Evaluation of Population and Housing Censuses
- Technical Advisory Council of the National Statistical System (CASSEN)
- Ethical framework for the use and exchange of information and data protection guarantees.
- Prioritizing collaborative work, respecting independence, competences or missionality.
- Statistical Ethics System and statistical culture.

Lessons learned, conclusions and recommendations

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Lessons and recommendations

1. There is no perfect law.
2. Discuss in advantage, take the initiative, don't wait.
3. Identify young legislators and independent actors.
4. There are different ways to reinforce Independence.
5. Adapt the good practices to your context.
6. Reinforce your institution as the national authority for statistical regulation.
7. Promote articulation and cooperation.
8. Recognize independence of each entity and data producer.

Conclusions and challenges

- Unenforceability of the reserves.
- Transfer of capabilities.
- Successful information exchanges.
- Adoption of best practices.
- Promotion of statistical culture.
- Comprehensive implementation of principles and standards.
- Internal and external awareness raising.

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