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Census Legislation in the 2020 Round

do census laws help or hinder censuses?

A look at experiences of the 2020 round and how new CES Census Recommendations could help countries improve legislative support for the 2030 round



1. The roles of census legislation
2. What the 2020 CES Census Recommendations say about legal basis for a census
3. Results of survey of CES countries' census practices & experiences in the 2020 round
4. What needs to change in our Recommendations for censuses of the 2030 round?



Role of census legislation (1)



Gives the NSO the **power to oblige universal response** (enumeration-based censuses) and/or the **power to obtain the necessary administrative records** (register-based or combined censuses)



Helps **protect** the census office from outside influence (e.g. politically-driven demands to include certain questions/variables, follow certain procedures, include certain groups that ought not to be included among usual residents, etc.)

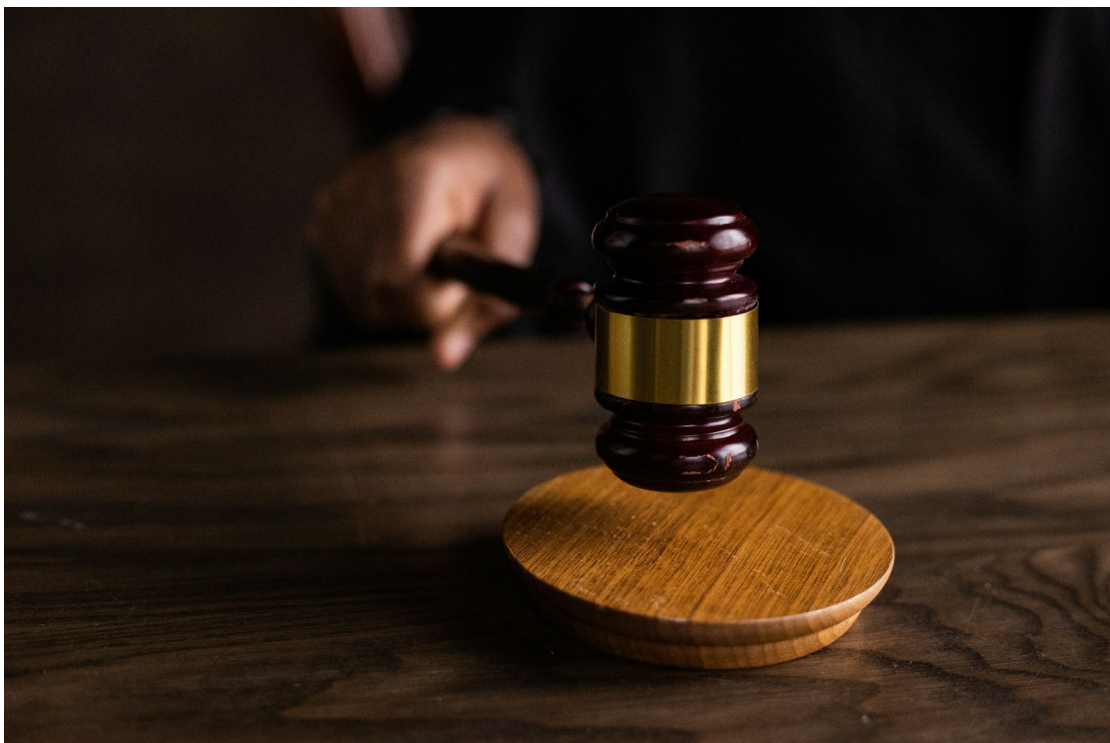


Can **foster trust** and better cooperation of the public (no matter what the census design) by reassuring them that data are used only for statistical purposes, e.g. they will not be used to amend admin records

Role of census legislation (2)

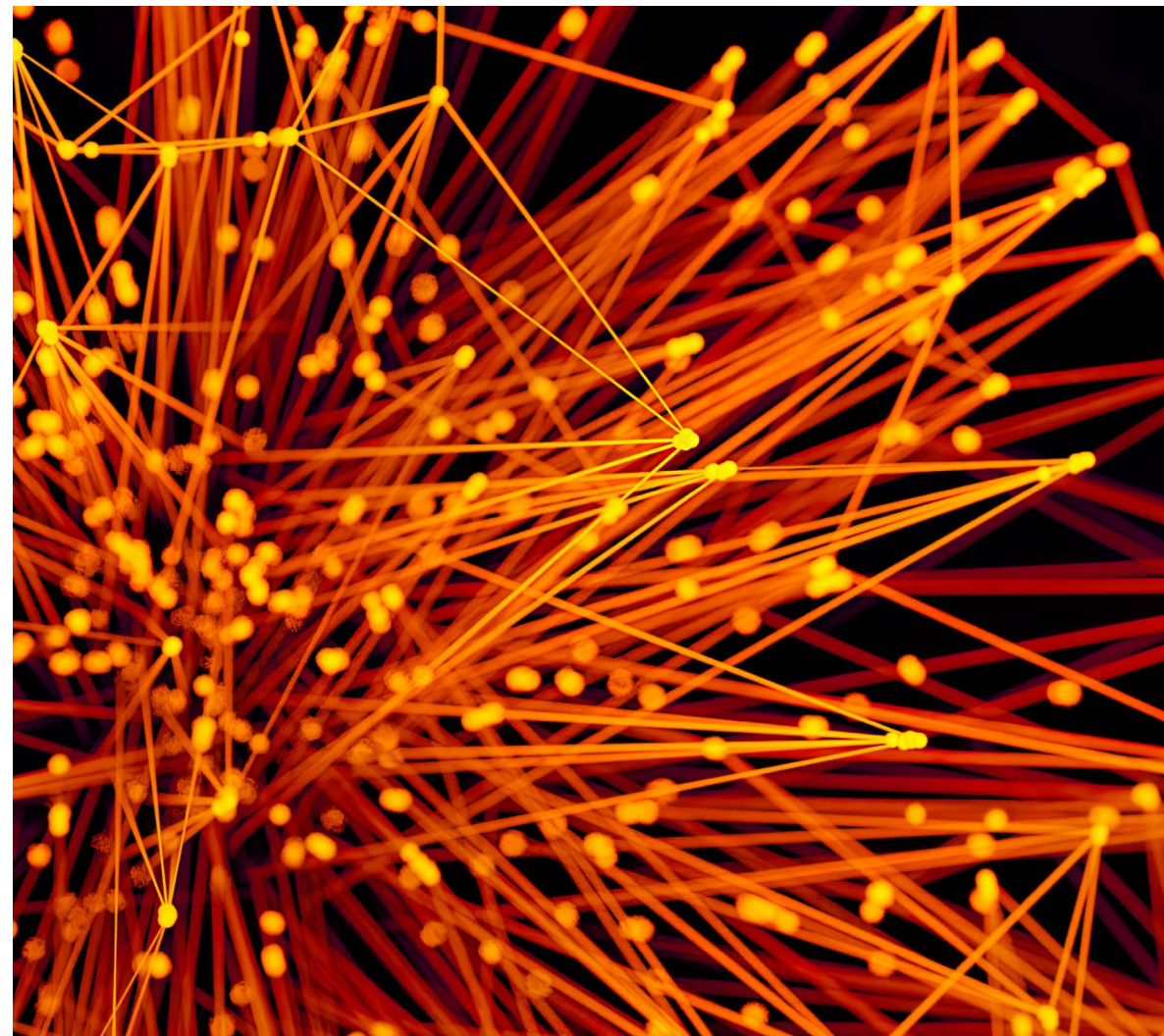
BUT

- too-detailed legislation can leave NSO without freedom to be flexible in methods and content
- delayed adoption of legislation can hinder efficient planning
- requirement for new census regulation for each census can leave NSO beholden to politicians.



Role of census legislation (3)

- Different high-level census designs (enumeration-based, register or admin-based, combined) call for different content and emphasis in laws
- In general, those with fully register-based census have less need for census-specific regulations and are more likely to have the census covered within scope of general official statistics law



2020 Recommendations (1)

Current section on ‘the legal basis for a census’ consists of 8 paragraphs:

- States **things typically covered by census legislation**:
 - allocation of funds; scope, content and timing; obligation and sanctions; roles and responsibilities; use of registers to produce data and/or support field operations
- Emphasises importance of assuring **confidentiality** within legislation, with sanctions, to maintain trust (and participation where relevant). Can be general data protection law, or census-specific
- Notes **diversity of approaches**:
 - some countries have census-specific legislation; some with a separate regulation having to be passed for each instance of the census, while others have all necessary provisions in general official statistics act
 - makes no recommendation regarding the choice of approach
- Stresses **need for timely adoption of legislation** (without specifying timescales) and **contingency planning** in case of legislative delays (without specifying what/how)

2020 Recommendations (2)

- Calls for ‘**conceptual and organizational flexibility**’ in primary census legislation:
 - avoiding rigidity or prescriptiveness in data collection and organization
- Recommends ensuring **legal clarity on delegation of authority** e.g. for procurement, outsourcing, involvement of non-NSO entities such as local authorities
- Stresses need for **alignment with existing data protection & confidentiality legislation** (esp. for register-based censuses: need to be sure that census processes are allowed within those laws)
- Recommends allowing **additional time to develop legislation** where census design is changing significantly (e.g. from enumeration-based to combined or admin-based)
- Notes that **separate legal provision may be necessary for dissemination** of census data, including right to charge for custom products/services

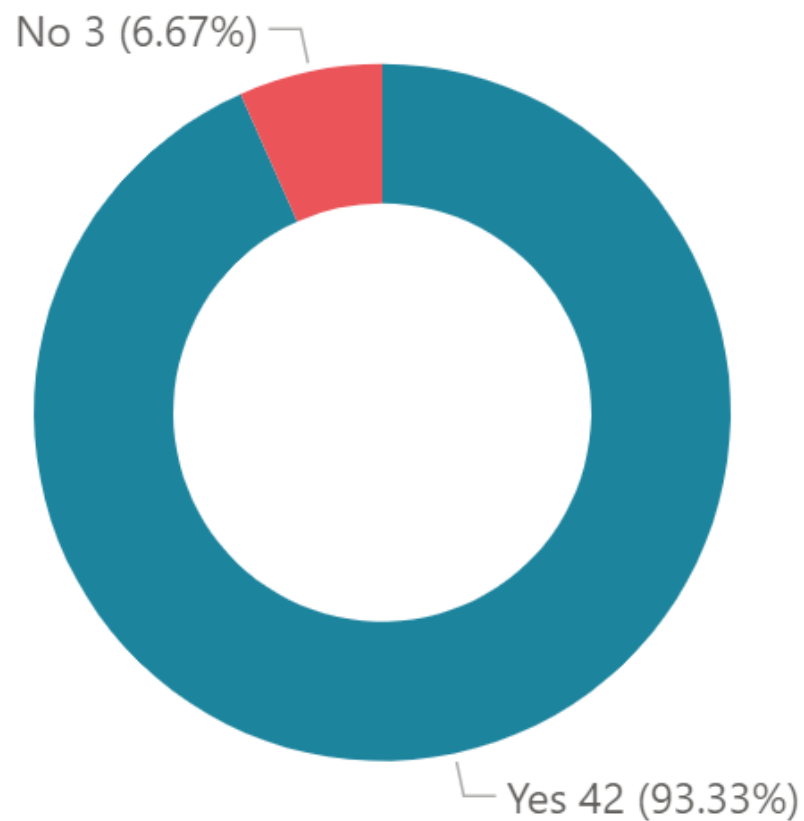
Survey of 2020 round census experiences

Conducted Sept-Dec 2023

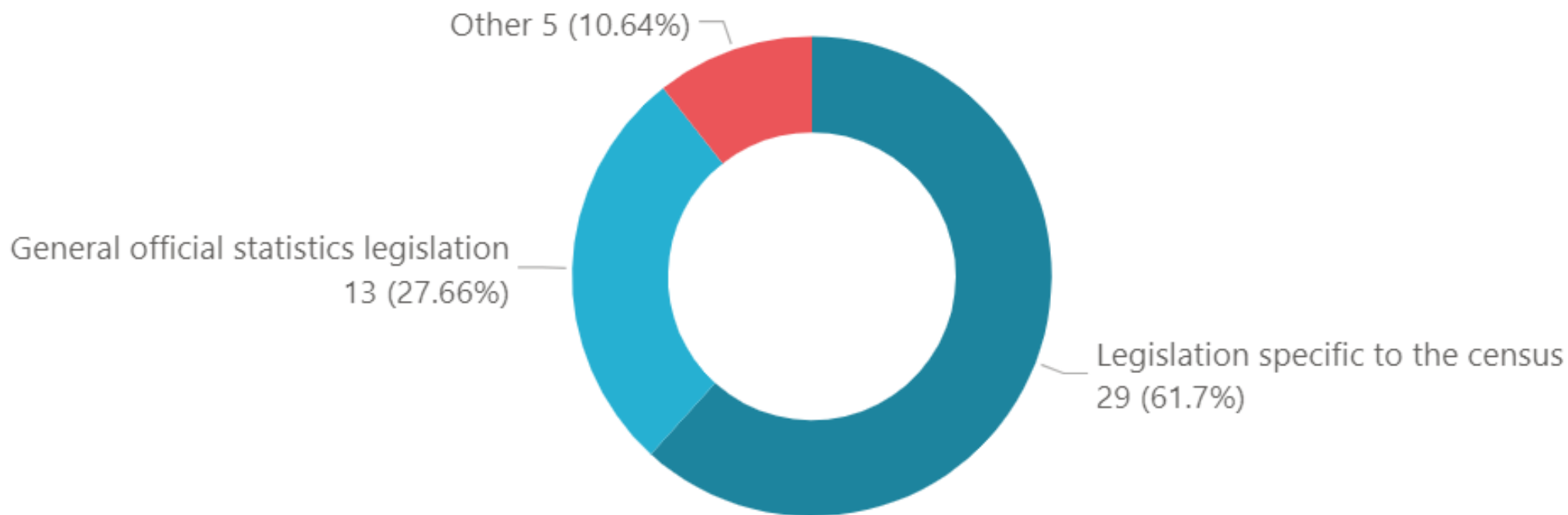


- A comprehensive survey of census practices and experiences in UNECE countries and other active CES members
- Covered all areas: design, methodology, content, quality assessment, dissemination, etc.
- One small section on legislation (4 questions)
 - Is census carried out under authority of national legislation?
 - Is it census-specific or general official stats legislation?
 - Is it permanent or amended for each census?
 - Aspects of census covered by legislation
- 45 countries provided answers to the legislation section on the survey

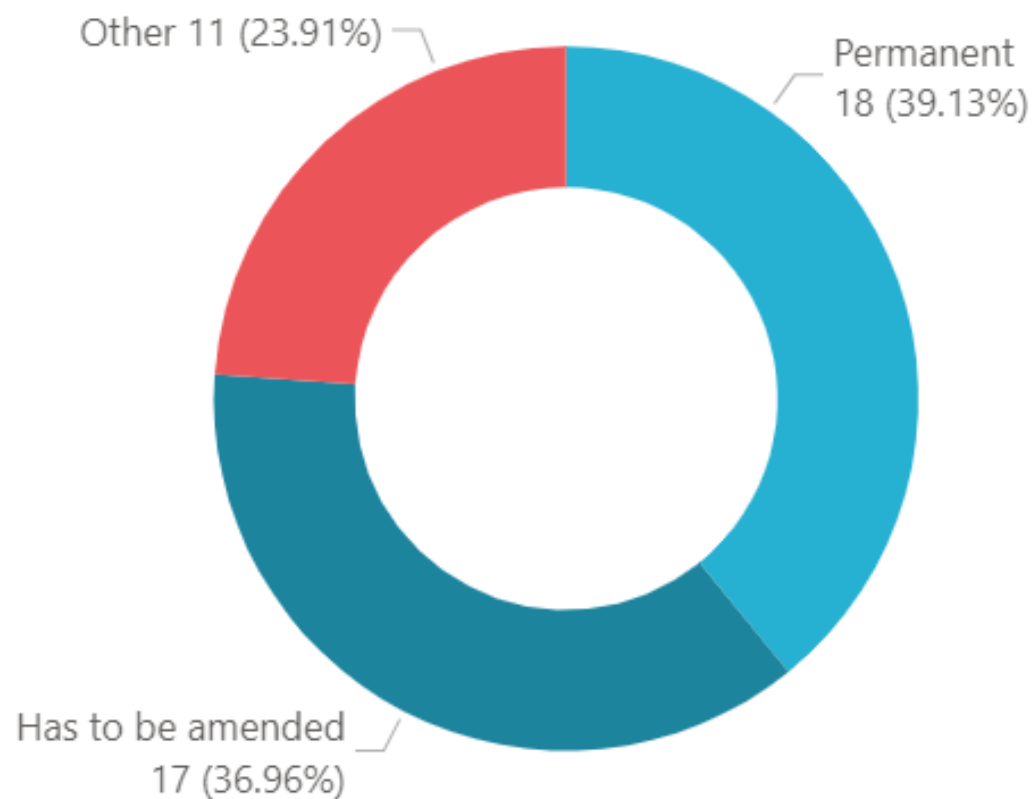
Is your census carried out under the authority of national legislation?



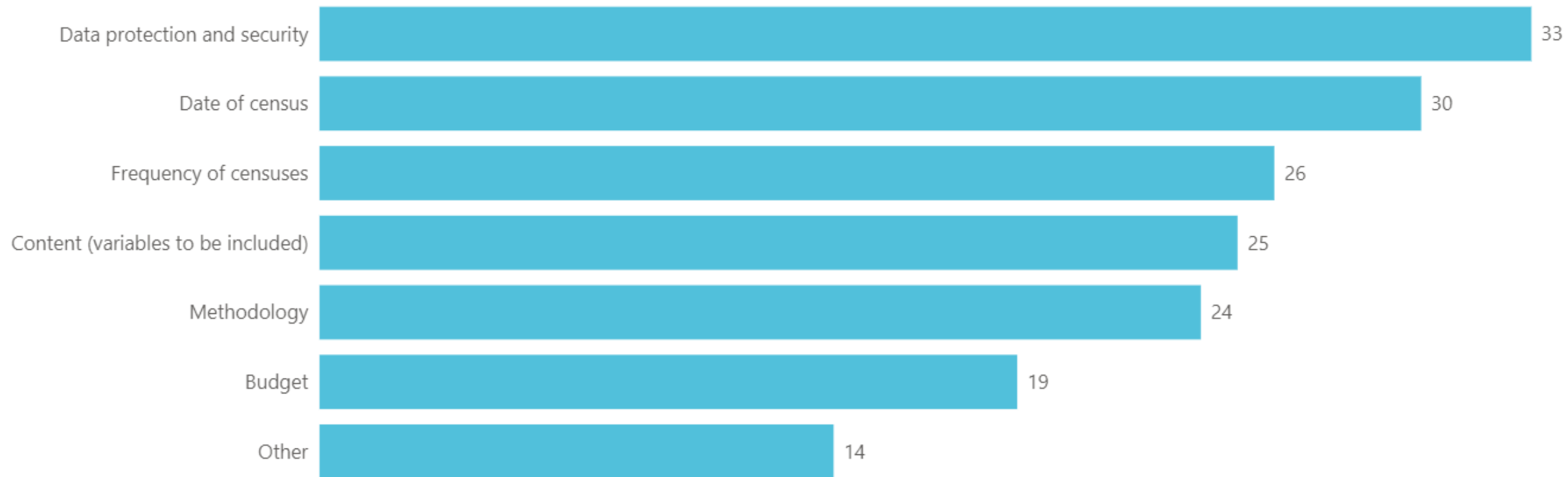
Does this legislation relate only to the census or is it general legislation applicable to all official statistics?



Is the legislation permanent or does it have to be amended for each census?



Aspects of the census covered by the legislation



What challenges or obstacles did you face in planning and conducting your census?

Obtaining legislative and/or government support

- Significant challenge: 4 countries
- Medium challenge: 4 countries
- Smaller challenge: 10 countries
- (remainder said not a challenge or N/A)

What else do we know about legislative challenges for censuses?

- Of the 5 UNECE countries that didn't do a 2020-round census, only 1 explicitly mentioned 'the decision of the state authorities' as the principal reason
- Many countries faced Covid-related delays in obtaining required legislation
- Others encountered political hurdles for obtaining legislation
- A short gap between legislation and census can create practical challenges for census office
- Legal specification of right to sanction people for non-compliance is crucial – but rarely enforced, as it can harm public support.

2030 Recommendations

What might we need to add or change? (1)

- Greater emphasis on legal protection of confidentiality
 - **in data transfer and storage**, to account for widespread use of electronic means of data collection and processing
 - **in dissemination**, in line with growing use of ultra-detailed dissemination tools such as user-defined tabulations and mapping tools that query microdata on the fly
- Add discussion of not just access **rights** but also **duties** of NSO relating to admin data: e.g. rules surrounding updating statistical (internal, non-admin) population register.

2030 Recommendations

What might we need to add or change? (2)

- Mention the need to **align census-specific laws with laws relating to admin data holders**, e.g. requirement for consultation before changing admin sources
- Expand section on **'flexibility'** – the importance of not being over-prescriptive in the laws.
- Add discussion of **professional independence** and how this should be enshrined in census law; some aspects are census-specific (e.g. choice of date)
- Expanding discussion of how law should specify **mandatory nature of census** and **application of sanctions?**



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Thank you!

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