

## (参考) 諸外国の条文

<アメリカ>

United States Code

### TITLE 13—CENSUS

#### § 6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources

- (a) The Secretary, whenever he considers it advisable, may call upon any other department, agency, or establishment of the Federal Government, or of the government of the District of Columbia, for information pertinent to the work provided for in this title.
- (b) The Secretary may acquire, by purchase or otherwise, from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies, such copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title.
- (c) To the maximum extent possible and consistent with the kind, timeliness, quality and scope of the statistics required, the Secretary shall acquire and use information available from any source referred to in subsection (a) or (b) of this section instead of conducting direct inquiries.

### TITLE 39—POSTAL SERVICE

#### § 412. Nondisclosure of lists of names and addresses

- (a) Except as specifically provided by subsection (b) or other law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.
- (b) The Postal Service shall provide to the Secretary of Commerce for use by the Bureau of the Census such address information, address-related information, and point of postal delivery information, including postal delivery codes, as may be determined by the Secretary to be appropriate for any census or survey being conducted by the Bureau of the Census. The provision of such information under this subsection shall be in accordance with such mutually agreeable terms and conditions, including reimbursability, as the Postal Service and the Secretary of Commerce shall deem appropriate.

●アメリカ合衆国法典

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**Statistics and Registration Service Act 2007**

**Part 1The Statistics Board**

**The Statistics Board**

**Use and disclosure of information by the Board**

**39Confidentiality of personal information**

- (1) Subject to this section, personal information held by the Board in relation to the exercise of any of its functions must not be disclosed by—
  - (a) any member or employee of the Board,
  - (b) a member of any committee of the Board, or
  - (c) any other person who has received it directly or indirectly from the Board.
- (2) In this Part “personal information” means information which relates to and identifies a particular person (including a body corporate); but it does not include information about the internal administrative arrangements of the Board (whether relating to its members, employees or other persons).
- (3) For the purposes of subsection (2) information identifies a particular person if the identity of that person—
  - (a) is specified in the information,
  - (b) can be deduced from the information, or
  - (c) can be deduced from the information taken together with any other published information.
- (4) Subsection (1) does not apply to a disclosure which—
  - (a) is required or permitted by any enactment,
  - (b) is required by an assimilated obligation,
  - (c) is necessary for the purpose of enabling or assisting the Board to exercise any of its functions,
  - (d) has already lawfully been made available to the public,
  - (e) is made in pursuance of an order of a court,
  - (f) is made for the purposes of a criminal investigation or criminal proceedings (whether or not in the United Kingdom),
  - (g) . . . . .
  - (h) is made with the consent of the person to whom it relates, or
  - (i) is made to an approved researcher.
- (5) For the purposes of subsection (4) (i), “approved researcher” means an individual to whom the Board has granted access, for the purposes of statistical research, to personal information held by it.
- (6) The Board is from time to time to publish criteria by reference to which it will determine whether to grant access as specified in subsection (5).
- (7) Those criteria must require the Board to consider—
  - (a) whether the individual is a fit and proper person, and
  - (b) the purpose for which access is requested.
- (8) The Board may not grant access to an individual as specified in subsection (5) unless he has first signed a declaration, in such form as the Board may determine, that he understands the requirements

of this section.

- (9) A person who contravenes subsection (1) is guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding the statutory maximum, or both.
- (9A) In the application of this section in England and Wales the reference in subsection (9) (b) is to be read as a reference to the general limit in a magistrates' court (but this is subject to subsection (11)).
- (10) Subsection (9) does not apply where the individual making the disclosure reasonably believes—
- (a) in the case of information which is personal information by virtue of subsection (3) (a), that the identity of the person to whom it relates is not specified in the information,
  - (b) in the case of information which is personal information by virtue of subsection (3) (b), that the identity of that person cannot be deduced from the information, or
  - (c) in the case of information which is personal information by virtue of subsection (3) (c), that the identity of that person cannot be deduced from the information taken together with any other published information.
- (11) In the application of this section —
- (a) in England and Wales, in relation to an offence committed before 2 May 2022,
  - (b) in Scotland, until the commencement of section 45(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), or
  - (c) in Northern Ireland,
- the reference in subsection (9) (b) to twelve months is to be read as a reference to three months.

#### **45 Information held by HMRC**

- (1) The Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs may, subject to this section, disclose to the Board any information held by the Revenue and Customs in connection with any function of the Revenue and Customs.
- (2) Information may only be disclosed under subsection (1) if the Commissioners are satisfied that the Board requires it to enable it to exercise one or more of its functions ....
- (2A) In determining whether the condition in subsection (2) is met the Commissioners must have regard to any views of the Board which have been communicated to them.
- (3) Information disclosed under subsection (1) may only be used by the Board for the purposes of any one or more of its functions ....
- (3A) Information disclosed under subsection (1) may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the Commissioners.
- (4) Information disclosed under subsection (1) may not be disclosed by the Board to any person except with the consent of the Commissioners.
- (4A) In disclosing information under subsection (1), the Commissioners or an officer of Revenue and Customs must have regard to the following codes of practice issued by the Information Commissioner under section 124A of the Data Protection Act 2018, so far as they apply to the information in question—

- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (4B) The duty in subsection (4A) to have regard to a code of practice does not affect any other requirement for the Commissioners or an officer of Revenue and Customs to have regard to a code of practice under the Data Protection Act 2018 in disclosing the information.
- (4C) In determining how to comply with the duty in subsection (4A) the Commissioners or the officer of Revenue and Customs must have regard to any views of the Board which are communicated to the Commissioners or the officer.
- (5) . . . . .
- (6) In subsection (1) the references to “the Revenue and Customs” are to either or both of—
- (a) the Commissioners;
  - (b) officers of Revenue and Customs.

**45A Information held by other public authorities**

- (1) A public authority to which this section applies may, subject to this section, disclose to the Board any information held by the authority in connection with its functions.
- (2) This section applies to a public authority other than—
- (a) the Commissioners for Her Majesty’s Revenue and Customs, or
  - (b) an officer of Revenue and Customs.
- (3) A public authority may disclose information under subsection (1) only if it is satisfied that the Board requires the information to enable it to exercise one or more of its functions.
- (4) In determining whether the condition in subsection (3) is met the public authority must have regard to any views of the Board which have been communicated to the authority.
- (5) Information disclosed under subsection (1) may only be used by the Board for the purposes of any one or more of its functions.
- (6) Information disclosed under subsection (1) may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the public authority which disclosed the information.
- (7) Where personal information is disclosed by a public authority to the Board under subsection (1), the Board may not disclose the information to an approved researcher under section 39(4)(i) except with the consent of the public authority.
- (8) In disclosing information under subsection (1), a public authority must have regard to the following codes of practice issued by the Information Commissioner under section 124A of the Data Protection Act 2018], so far as they apply to the information in question—
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (9) The duty in subsection (8) to have regard to a code of practice does not affect any other requirement for the public authority to have regard to a code of practice under [F31the data

protection legislation] in disclosing the information.

- (10) In determining how to comply with the duty in subsection (8) the public authority must have regard to any views of the Board which are communicated to the authority.
- (11) A disclosure under subsection (1) does not breach—
- (a) any obligation of confidence owed by the public authority making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (12) But subsection (1) does not authorise the making of a disclosure which—
- (a) contravenes the data protection legislation,
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (c) contravenes assimilated direct legislation (which is not part of the data protection legislation) or anything that is EU-derived domestic legislation by virtue of section 2(2) (a) or (b) of the European Union (Withdrawal) Act 2018.
- (13) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (12) (b) has effect as if it included a reference to that Part.
- (14) This section does not limit the circumstances in which information may be disclosed apart from this section.

#### **45B Access to information held by Crown bodies etc**

- (1) This section applies to—
- (a) a public authority which is an emanation of the Crown or a servant or agent of the Crown,
  - (b) the Bank of England (including in the exercise of its functions as the Prudential Regulation Authority),
  - (c) a subsidiary undertaking of the Bank of England within the meaning of the Companies Acts (see sections 1161 and 1162 of the Companies Act 2006),
  - (d) the Financial Conduct Authority, and
  - (e) the Payment Systems Regulator established under section 40 of the Financial Services (Banking Reform) Act 2013.
- (2) Subject to this section and section 45E, the Board has a right of access to information which—
- (a) is held by a public authority to which this section applies in connection with its functions, and
  - (b) is required by the Board to enable it to exercise one or more of its functions.
- (3) Subsection (2) does not apply to information if the disclosure of that information—
- (a) would contravene the data protection legislation,
  - (b) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (c) would contravene assimilated direct legislation (which is not part of the data protection legislation) or anything that is EU-derived domestic legislation by virtue of section 2(2) (a) or (b) of the European Union (Withdrawal) Act 2018.
- (4) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (3) (b) has

effect as if it included a reference to that Part.

- (5) The right of access in subsection (2) is to be exercised in accordance with the following provisions of this section.
- (6) The Board may, by notice in writing to the public authority, request the authority to disclose the information to the Board.
- (7) A notice under subsection (6) must—
- (a) set out the Board's reasons for requesting the information to be disclosed, and
  - (b) specify the date by which or the period within which the public authority must respond to the request.
- (8) The public authority must, by that date or within that period, provide a response in writing to the Board which—
- (a) indicates that it is willing to provide the information and gives the date by which it will be provided, or
  - (b) indicates that it is not willing to provide the information and gives reasons for not providing it.
- (9) Subsection (10) applies if—
- (a) the public authority fails to respond to the request in accordance with subsection (8),
  - (b) the public authority indicates that it is not willing to provide the information requested, or
  - (c) the public authority has indicated that it is willing to provide the information requested, but the Board considers that the public authority is failing to take reasonable steps to comply with that request.
- (10) The Board may lay the request and any response by the public authority before the relevant legislature.
- (11) In subsection (10) "the relevant legislature" means Parliament, subject as follows.
- (12) The Scottish Parliament is the relevant legislature if the public authority—
- (a) is a part of the Scottish Administration, or
  - (b) is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (13) The National Assembly for Wales is the relevant legislature if the public authority is a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006.
- (14) The Northern Ireland Assembly is the relevant legislature if—
- (a) the public authority exercises functions only as regards Northern Ireland, and
  - (b) its functions are wholly or mainly functions which relate to transferred matters (within the meaning of the Northern Ireland Act 1998).
- (15) This section does not apply to—
- (a) Her Majesty in Her private capacity,
  - (b) Her Majesty in right of the Duchy of Lancaster, or
  - (c) the Duke of Cornwall.
- (16) Until the coming into force of section 12 of the Bank of England and Financial Services Act 2016 subsection (1) (b) has effect as if the words in brackets were omitted.

#### **45C Power to require disclosures by other public authorities**

- (1) This section applies to a public authority to which section 45B does not apply (other than one within subsection (15) of that section).
- (2) Subject to this section and section 45E, the Board may, by notice in writing to a public authority to which this section applies, require the authority to disclose to the Board information which—
  - (a) is held by the authority in connection with its functions, and
  - (b) is specified, or is of a kind specified, in the notice.
- (3) A notice under subsection (2) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (4) A notice under subsection (2) other than one within subsection (3) must specify the date by which or the period within which the information must be disclosed.
- (5) A notice under subsection (2) may specify the form or manner in which the information to which it relates must be disclosed.
- (6) A notice under subsection (2) may require the public authority to consult the Board before making changes to—
  - (a) its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
  - (b) its processes for supplying such information to the Board.
- (7) The reference in subsection (6) to making changes to a process includes introducing or removing a process.
- (8) The Board may give a notice under subsection (2) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (9) The Board must obtain the consent of the Scottish Ministers before giving a notice under subsection (2) to a public authority which is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (10) The Board must obtain the consent of the Welsh Ministers before giving a notice under subsection (2) to a public authority which is a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006.
- (11) The Board must obtain the consent of the Department of Finance in Northern Ireland before giving a notice under subsection (2) to a public authority if—
  - (a) the public authority exercises functions only as regards Northern Ireland, and
  - (b) its functions are wholly or mainly functions which relate to transferred matters (within the meaning of the Northern Ireland Act 1998).
- (12) A public authority to which a notice under subsection (2) is given must comply with it.
- (13) But the public authority need not comply with the notice if compliance—
  - (a) might prejudice national security,
  - (b) would contravene the data protection legislation,
  - (c) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (d) would contravene assimilated direct legislation (which is not part of the data protection legislation) or anything that is EU-derived domestic legislation by virtue of section 2(2) (a) or (b) of the European Union (Withdrawal) Act 2018.
- (14) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45

and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (13) (c) has effect as if it included a reference to that Part.

#### **45D Power to require disclosure by undertakings**

- (1) Subject to this section and section 45E, the Board may, by notice in writing to an undertaking, require the undertaking to disclose to the Board information which—
  - (a) is held by the undertaking, and
  - (b) is specified, or is of a kind specified, in the notice.
- (2) A notice under subsection (1) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (3) A notice under subsection (1) other than one within subsection (2) must specify the date by which or the period within which the information must be disclosed.
- (4) A notice under subsection (1) may specify the form or manner in which the information to which it relates must be disclosed.
- (5) A notice under subsection (1) may require the undertaking to consult the Board before making changes to—
  - (a) its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
  - (b) its processes for supplying such information to the Board.
- (6) The reference in subsection (5) to making changes to a process includes introducing or removing a process.
- (7) The Board may give a notice under subsection (1) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (8) An undertaking to which a notice under subsection (1) is given must comply with it.
- (9) But the undertaking need not comply with the notice if compliance—
  - (a) might prejudice national security,
  - (b) would contravene the data protection legislation, or
  - (c) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (10) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9) (c) has effect as if it included a reference to that Part.
- (11) Subject to subsection (13), in this section “undertaking” means—
  - (a) any person carrying on a trade or business, whether or not with a view to profit, or
  - (b) any charity.
- (12) In subsection (11) “charity” means a body, or the trustees of a trust, established for charitable purposes only.
- (13) The following are not undertakings for the purposes of this section—
  - (a) a public authority;
  - (b) a micro business;
  - (c) a small business.
- (14) Section 33 of the Small Business, Enterprise and Employment Act 2015 (definitions of small and

micro business) and regulations made under that section apply in relation to subsection (13) as they apply in relation to subordinate legislation within subsection (1) of that section.

#### **45E Further provisions about powers in sections 45B, 45C and 45D**

- (1) Information disclosed under section 45B, 45C or 45D may only be used by the Board for the purposes of any one or more of its functions.
- (2) Information disclosed under section 45B, 45C or 45D may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the person who disclosed the information.
- (3) Where personal information is disclosed under section 45B, 45C or 45D, the Board may not disclose the information to an approved researcher under section 39(4) (i) except with the consent of the person who disclosed the information.
- (4) A disclosure pursuant to section 45B, 45C or 45D does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) The Board must prepare and publish a statement of—
  - (a) the principles to which it will have regard in exercising its functions under sections 45B, 45C and 45D, and
  - (b) the procedures which it will adopt in exercising those functions.
- (6) The statement must be consistent with the code of practice prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act (as altered or replaced from time to time).
- (7) The Board may at any time revise the statement and, if it decides to do so, must publish the statement as revised.
- (8) In preparing or revising the statement the Board must consult—
  - (a) the Minister for the Cabinet Office,
  - (b) the Information Commissioner,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers,
  - (e) the Department of Finance in Northern Ireland, and
  - (f) such other persons as the Board thinks fit.
- (9) The fact that this section was not in force when consultation of the kind mentioned in subsection (8) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (10) The Board may not publish the original statement under this section unless a draft of the statement has been laid before, and approved by a resolution of, each House of Parliament.
- (11) Before publishing a revised statement under this section the Board must lay a draft of the statement as proposed to be published before Parliament.
- (12) The Board may not publish the revised statement if, within the 40-day period, either House of Parliament resolves not to approve it.
- (13) In subsection (12) “the 40 day period” means—
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or

(b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.

(14) For the purposes of subsection (13) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(15) After preparing or revising a statement the Board must lay the statement, or the statement as revised, before—

- (a) the Scottish Parliament,
- (b) the National Assembly for Wales, and
- (c) the Northern Ireland Assembly.

(16) In exercising any of its functions under section 45B, 45C or 45D to require the disclosure of information, the Board must have regard to any code of practice issued by the Information Commissioner under section 124A of the Data Protection Act 2018 which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information, so far as the code applies to the information in question.

(17) The duty in subsection (16) to have regard to a code of practice does not affect any other requirement for the Board to have regard to a code of practice under the data protection legislation in exercising the function.

#### **45F Offences relating to notices under section 45C or 45D**

(1) A person is guilty of an offence if—

- (a) the person is given a notice under section 45C or 45D,
- (b) the person is required to comply with the notice,
- (c) the person fails to do so, and
- (d) the person does not have a reasonable excuse for that failure.

(2) A person is guilty of an offence if, in purporting to comply with a notice under section 45C or 45D, the person—

- (a) provides information which is false in a material respect, and
- (b) knows that the information is false in that respect or is reckless as to whether it is false in that respect.

(3) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction—

- (a) in England and Wales, to a fine, and
- (b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

(4) If an offence under this section is committed by a body corporate with the consent or connivance of an officer of the body, the officer, as well as the body, is to be treated as having committed the offence.

(5) In subsection (4) a reference to an officer of a body includes a reference to—

- (a) a director, manager or secretary,
- (b) a person purporting to act as a director, manager or secretary, and
- (c) if the affairs of the body are managed by its members, a member.

(6) Where an offence under this section is committed by a partnership (whether or not a limited partnership) subsection (4) has effect, but as if a reference to an officer of the body were a reference to—

- (a) a partner, and
- (b) a person purporting to act as a partner.

#### **45G Code of practice on changes to data systems**

- (1) The Board must prepare, adopt and publish a code of practice containing guidance on the matters to be taken into account by a public authority in making changes to—
  - (a) its processes for collecting, organising, storing or retrieving information, or
  - (b) its processes (if any) for supplying information to the Board.
- (2) A public authority must have regard to any code of practice under this section in making such changes.
- (3) The Board may at any time revise a code of practice under this section and, if it decides to do so, must publish the code as revised.
- (4) In preparing or revising a code of practice under this section, the Board must consult—
  - (a) the Minister for the Cabinet Office,
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers,
  - (d) the Department of Finance in Northern Ireland, and
  - (e) such other persons as the Board thinks fit.
- (5) The fact that this section was not in force when consultation of the kind mentioned in subsection (4) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (6) The Board may not publish the original code of practice under this section unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament
- (7) Before publishing a revised code of practice under this section the Board must lay a draft of the code as proposed to be published before Parliament.
- (8) The Board may not publish the revised code of practice if, within the 40-day period, either House of Parliament resolves not to approve it.
- (9) In subsection (8) “the 40 day period” means—
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (10) For the purposes of subsection (9) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (11) After preparing or revising a code of practice under this section the Board must lay the code, or the code as revised, before—
  - (a) the Scottish Parliament,
  - (b) the National Assembly for Wales, and
  - (c) the Northern Ireland Assembly.
- (12) The reference in subsection (1) to making changes to a process includes introducing or removing a process.
- (13) This section binds the Crown.
- (14) The reference to the Crown in subsection (13) does not include—

- (a) Her Majesty in Her private capacity,
- (b) Her Majesty in right of the Duchy of Lancaster, or
- (c) the Duke of Cornwall.]

●2007 統計登録サービス法

<https://www.legislation.gov.uk/ukpga/2007/18/contents>

<フランス>

Loi n° 51-711 du 7 juin 1951 sur l'obligation, la coordination et le secret en matière de statistiques.

Dernière mise à jour des données de ce texte : 25 mars 2019

#### **Article 1 bis**

I. - Le Conseil national de l'information statistique est chargé, auprès de l'Institut national de la statistique et des études économiques, d'organiser la concertation entre les producteurs et les utilisateurs de la statistique publique. Il fait des propositions pour l'élaboration du programme de travaux statistiques et la coordination des enquêtes statistiques menées par les personnes chargées d'une mission de service public. Il comprend parmi ses membres un député et un sénateur.

II. - Un décret en Conseil d'Etat fixe les attributions, la composition et les modalités de fonctionnement du Conseil national de l'information statistique, ainsi que la représentation, en son sein, du Conseil économique, social et environnemental. Il précise les conditions dans lesquelles l'autorité administrative décide du caractère obligatoire ou non de chaque enquête qui s'inscrit dans le cadre du programme annuel qu'elle a fixé.

#### **Article 3 bis**

I. - Le ministre chargé de l'économie peut décider, après avis du Conseil national de l'information statistique, que les personnes morales de droit privé sollicitées pour des enquêtes transmettent par voie électronique sécurisée au service statistique public, à des fins exclusives d'établissement de statistiques, les informations présentes dans les bases de données qu'elles détiennent, lorsque ces informations sont recherchées pour les besoins d'enquêtes statistiques qui sont rendues obligatoires en application de l'article 1er bis.

Cette décision est précédée d'une concertation avec les personnes de droit privé sollicitées pour ces enquêtes et d'une étude de faisabilité et d'opportunité rendue publique.

Les données transmises par ces personnes morales ne peuvent faire l'objet d'aucune communication de la part du service dépositaire. Seules sont soumises au livre II du code du patrimoine les informations issues de ces données qui ont été agrégées et qui ne permettent pas l'identification de ces personnes morales.

Les conditions dans lesquelles sont réalisées ces enquêtes, notamment leur faisabilité, leur opportunité, les modalités de collecte des données de même que, le cas échéant, celles de leur enregistrement temporaire et celles de leur destruction sont fixées par voie réglementaire.

II. - Par dérogation à l'article 7, en cas de refus de la personne morale sollicitée pour l'enquête de procéder à la transmission d'informations conformément à la décision prise dans les conditions mentionnées au I du présent article, le ministre chargé de l'économie met en demeure cette personne. Cette mise en demeure fixe le délai imparti à la personne sollicitée pour l'enquête pour faire valoir ses observations. Ce délai ne peut être inférieur à un mois.

Si la personne sollicitée pour l'enquête ne se conforme pas à cette mise en demeure, le ministre

saisit pour avis le Conseil national de l'information statistique, réuni en comité du contentieux des enquêtes statistiques obligatoires. La personne sollicitée pour l'enquête est entendue par le comité.

Au vu de cet avis, le ministre peut, par une décision motivée, prononcer une amende administrative. Passé un délai de deux ans à compter de la date de réception de la mise en demeure, le ministre ne peut plus infliger d'amende.

Le montant de la première amende encourue à ce titre ne peut dépasser 25 000 €. En cas de récidive dans un délai de trois ans, le montant de l'amende peut être porté à 50 000 € au plus.

Le ministre peut rendre publiques les sanctions qu'il prononce. Il peut également ordonner leur insertion dans des publications, journaux et supports qu'il désigne, aux frais des personnes sanctionnées.

#### **Article 4**

Des organismes professionnels ou interprofessionnels peuvent être agréés par les pouvoirs publics pour servir d'intermédiaire dans l'exécution des enquêtes statistiques. L'agrément est donné ou retiré par arrêté conjoint du ministre chargé de l'économie et du ministre chargé de la branche intéressée.

Lorsqu'un questionnaire revêtu du visa est ainsi diffusé par une organisation agréée, les intéressés ont la possibilité de répondre à leur choix par l'intermédiaire de cette organisation ou directement au service public enquêteur.

Les organismes agréés adressent au service enquêteur, dans le délai prévu par l'acte d'agrément, les renseignements qu'ils ont recueillis.

#### **Article 7 bis**

Sur demande du ministre chargé de l'économie, après avis du Conseil national de l'information statistique, et sauf disposition législative contraire, les informations relatives aux personnes physiques, à l'exclusion des données relatives à la vie sexuelle, et celles relatives aux personnes morales, recueillies dans le cadre de sa mission, par une administration, une personne morale de droit public, ou une personne morale de droit privé gérant un service public sont cédées, à des fins exclusives d'établissement de statistiques, à l'Institut national de la statistique et des études économiques ou aux services statistiques ministériels.

Les données à caractère personnel relatives à la santé recueillies dans les conditions prévues à l'alinéa précédent ne peuvent être communiquées, sur demande du ministre chargé de la santé, à l'Institut national de la statistique et des études économiques ou aux services statistiques des ministères participant à la définition, à la conduite et à l'évaluation de la politique de santé publique que dans le cadre d'établissement de statistiques sur l'état de santé de la population, les politiques de santé publique ou les dispositifs de prise en charge par les systèmes de santé et de protection sociale en lien avec la morbidité des populations. Des enquêtes complémentaires, revêtues du visa préalable mentionné à l'article 2, peuvent être réalisées auprès d'échantillons de ces populations.

Les modalités de communication des données à caractère personnel relatives à la santé recueillies dans les conditions prévues à l'alinéa précédent ne doivent pas permettre l'identification des personnes.

Il ne peut être dérogé à cette dernière obligation que lorsque les conditions d'élaboration des statistiques prévues au deuxième alinéa nécessitent de disposer d'éléments d'identification directe ou indirecte des personnes, notamment aux fins d'établissement d'échantillons de personnes et d'appariement de données provenant de diverses sources, dans le respect des dispositions de la loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés.

Seules les personnes responsables de l'opération, désignées à cet effet par la personne morale autorisée à mettre en oeuvre le traitement, peuvent recevoir les données à caractère personnel relatives à la santé transmises à l'Institut national de la statistique et des études économiques ou aux services statistiques des ministères participant à la définition, à la conduite et à l'évaluation de la politique de santé publique. Après utilisation de ces données, les éléments d'identification des personnes doivent être détruits.

Sous réserve de l'article 777-3 du code de procédure pénale, les dispositions des l'alinéas précédents s'appliquent nonobstant toutes dispositions contraires relatives au secret professionnel.

Les cessions portant sur des données à caractère personnel, telles qu'elles sont définies à l'article 2 de la loi n° 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés sont soumises aux dispositions de ladite loi ; l'acte réglementaire et, lorsque les cessions se font entre deux personnes morales distinctes, les conventions entre le cédant et le cessionnaire de ces informations prévoient les modalités de la transmission, la finalité du traitement envisagé et le sort des informations après leur utilisation aux fins de traitement statistique.

Les cessions portant sur des informations concernant des personnes morales sont autorisées par décision conjointe du ministre chargé de l'économie et des ministres intéressés.

Sous réserve des dispositions des articles 40, 56, 76, 97 et 99 du code de procédure pénale, les informations transmises en application du présent article et permettant l'identification des personnes physiques ou morales auxquelles elles s'appliquent ne peuvent faire l'objet d'aucune communication de la part du service bénéficiaire.

Les agents de l'Institut national de la statistique et des études économiques et ceux des services statistiques ministériels sont astreints, pour les données dont ils ont à connaître en application du présent article, au secret professionnel sous les sanctions prévues aux articles 226-13 du code pénal.

#### **Article 7 ter**

La formation plénière du comité du secret statistique est compétente pour émettre, après avis facultatif de l'administration ou de la personne morale ayant procédé à la collecte des données concernées, des recommandations relatives à l'accès pour des besoins de recherche scientifique ou pour la réalisation d'études économiques aux données individuelles transmises à l'Institut national

de la statistique et des études économiques et aux services statistiques ministériels en application de l'article 7 bis de la présente loi.

●統計の義務、調整及び秘密保持に関する法律（1951年6月7日法律第51-711号）

Loi n° 51-711 du 7 juin 1951 sur l'obligation, la coordination et le secret en matière de statistiques.

- Légifrance

<カナダ>

**Statistics Act last amended on 2017-12-12**

**Rules, instructions and requests for information**

7 (1) The Chief Statistician may prescribe the rules, instructions and, subject to subsection 21(1), requests for information that he or she considers necessary for conducting the work and business of Statistics Canada, the collecting, compiling and publishing of statistics and other information and the taking of any census authorized by this Act.

**Clarification**

(2) For greater certainty, any rule, instruction or request for information prescribed under subsection (1) is not a regulation for the purposes of the Statutory Instruments Act.

**Mandatory or voluntary requests for information**

8 (1) The Chief Statistician shall determine whether a request for information is mandatory or voluntary, with the exception of the census of population and census of agriculture, both of which are mandatory.

**Publication**

(2) The Chief Statistician shall publish any mandatory request for information before the request is made.

**Notification of Minister**

(3) The Chief Statistician shall notify the Minister of any new mandatory request for information at least 30 days before the day on which it is published.

**Voluntary requests for information – paragraph 31(a) does not apply**

(4) Paragraph 31(a) does not apply to a person to whom a voluntary request for information is made.

**Access to records**

13 A person having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of that information, shall grant access thereto for those purposes to a person authorized by the Chief Statistician to obtain that information or aid in the completion or correction of that information.

**Returns under Income Tax Act**

24 For the purposes of this Act and subject to section 17,

(a) the Chief Statistician or any person authorized by the Chief Statistician to do so may inspect and have access to any returns, certificates, statements, documents or other records obtained on behalf of the Minister of National Revenue for the purposes of the Income Tax Act or Part IX of the Excise Tax Act, and

(b) the Minister of National Revenue shall cause the returns, certificates, statements, documents, or other records to be made available to the Chief Statistician or person authorized by the Chief Statistician to inspect the records,

in such manner and at such times as the Governor in Council may prescribe on the recommendation of the Minister and the Minister of National Revenue.

### **Return of exports and imports from Customs**

25 For the purposes of this Act and subject to section 17, the Minister of Public Safety and Emergency Preparedness shall cause to be sent to the Chief Statistician returns of imports and exports into and from Canada and details of the means of transportation used therefor, in such manner and at such times as the Governor in Council may prescribe on the recommendation of the Minister and the Minister of Public Safety and Emergency Preparedness.

### **Criminal Statistics**

#### **Courts to furnish criminal statistics**

26 The clerk of every court or tribunal administering criminal justice or, if there is no clerk, the judge or other functionary presiding over the court or tribunal shall, at the times, in the manner and for the periods that the Chief Statistician may establish, transmit the information requested by the Minister relating to the criminal business transacted in the court or tribunal.

#### **Wardens and sheriffs**

27 The warden of every penitentiary and reformatory and the sheriff of every county, district or other territorial division shall, at the times, in the manner and for the periods that the Chief Statistician may establish, transmit the information requested by the Minister relating to the prisoners committed to any penitentiary, reformatory or jail under their charge or within their jurisdiction.

### **Records**

28 Every person who is required to transmit any information mentioned in section 26 or 27 shall from day to day make and keep entries and records of the particulars used to respond to requests for information made to them.

### **Pardons**

29 The Minister of Public Safety and Emergency Preparedness shall cause to be transmitted to the Chief Statistician, at the times and for the periods that the Chief Statistician may establish, the information requested by the Minister relating to the cases in which the prerogative of mercy has been exercised.

### **False or unlawful information**

31 Every person is guilty of an offence and liable on summary conviction to a fine of not more than \$500 who, without lawful excuse,

- (a) refuses or neglects, following a request for information under this Act,
  - (i) to provide any requested information to the best of their knowledge and belief, or
  - (ii) to provide any requested information when and as required under this Act; or
- (b) knowingly gives false or misleading information or practises any other deception under this

Act.

### **Refusal to grant access to records**

32 Every person is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000

- (a) who, having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of the information, refuses or neglects to grant access to the information to any person authorized for the purpose by the Chief Statistician, or
- (b) who otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act.

### ●統計法

<https://laws-lois.justice.gc.ca/eng/acts/S-19/FullText.html>

<デンマーク>

**Act on Statistics Denmark Latest amendment: Act no. 146 of 28 February 2018**

6. (1) Within the framework of the work programme adopted by the board, public authorities and institutions must provide information in their possession at the request of Statistics Denmark.
  - (2) Exchange of documents containing statistical information between Statistics Denmark and Denmark's Nationalbank in connection with the compilation of statistics on financial transactions and with compilation of Denmark's foreign assets and liabilities does not in itself imply that the documents are subject to the right of access to documents according to the law on open administration.
- 
8. (1) At the request of Statistics Denmark, all legal persons carrying out economic activities must provide information on the following:
    - i) the nature, location and ownership of the enterprise, land use, plant and equipment, personnel, working conditions and wages, production – including transportation performed and other services provided – order volume and changes therein, turnover and prices, payroll cost, purchases, other operating expenses, investment costs and stocks,
    - ii) for agriculture, horticulture and forestry, also information on crops yields, livestock and fur animals,
    - iii) for financial institutions also information on:
      - a) the nature and extent of and the terms for provided or arranged credits and received deposits,
      - b) information stating to which groups of debtor credits were extended and from which groups of creditor deposits were made, and
      - c) information for monitoring of other financial and monetary conditions, including balance entries and operating entries, breakdown of entries on types of instruments and characteristics, about the scope of business with and terms for different customer groups as well as the issue of and portfolio of securities;
    - iv) in addition, for banks and savings banks, information on the nominal value of mortgages accepted as security for building loans.
  - (2) At the request of Statistics Denmark, enterprises, associations, institutions etc. that do not carry out market activities must provide information about the nature of their activities, location and ownership, land use, personnel, working conditions and wages, payroll costs, investment expenditures, and assets and liabilities and changes therein.
  - (3) In addition to the information that must be provided according to subsections (1) and (2), schools and other educational institutions must provide information on the educational progress of individual students, their educational programme, form and examinations at the request of Statistics Denmark.
  - (4) In addition to the information that must be provided according to subsections (1) and (2), institutions for children, young people, senior citizens, sick and disabled persons etc. must provide information on the kind of services they provide, the enrolled persons and the conditions of space at the request of Statistics Denmark.
  - (5) If a national organisation of economic operators requests statistical information within their concerned industry and beyond what is referred to in subsection (1), the Minister for Economic

Affairs and the Interior may order, upon the recommendation of the board that such information is provided to Statistics Denmark.

9. (1) When international imports and exports of goods, and trade of goods between Greenland, the Faroe Islands and Denmark are not covered by EU legislation on the collection and processing of statistical information, consignees and consignors must provide information on the value, nature, quantity, country of consignment, country of origin, country of destination, and conditions of transport of the exported and imported goods. If the import or export of goods are conducted by persons other than the actual consignees or consignors, e.g. by customs clearance agents or shipping agents, such persons must provide information on the names and addresses of the actual consignees or consignors. (2) Detailed provisions about submission of the information referred to in subsection (1) will be determined by the Minister for Taxation upon recommendation by the board.
- 9 a. (1) At the request of Statistics Denmark, economic operators who supply services to customers abroad or buy services abroad must provide information on the value and nature of the services and the country to which the services have been delivered or from which the services have been received.
10. (1) For use in the compilation of the balance of payments and international investments, any person conducting financial transactions with foreign countries must upon request provide information to Statistics Denmark on income from and expenses to foreign countries as well as debts and receivables abroad.
11. (1) At the request of Statistics Denmark, owners and tenants of dwellings and premises used for commercial purposes must for each dwelling or company provide information about rent, rental deposit, location, size, facilities and use. In the case of dwellings, the number of occupants must also be stated.
- (2) At the request of Statistics Denmark, owners and tenants of dwellings must provide any further information that is necessary for the calculation of the net price index.
12. (1) At the request of Statistics Denmark, for the purpose of compiling income statistics, economic operators must provide information on turnover, purchases, costs and calculation of profit margins, devaluations and depreciations, provisions and transfers, dividends, interests received and paid, income and expenditures from secondary activities, and paid or estimated taxes and duties.
- (2) At the request of Statistics Denmark, for the purpose of analysing investments and capital, economic operators must also provide information on assets and liabilities and changes therein.
- 12 a. (1) To compile statistics on the registration of sellers' mortgage deeds, any person who submits filing for registration of a mortgage, which is a mortgage on a property given by a purchaser to the vendor to secure a portion of the purchase price, shall endorse the document with the wording seller' s mortgage deed. To compile statistics on the registration of sellers' mortgage deeds,

anyone who submits a mortgage deed for registration, which makes up part of the purchase price in connection with real estate sales, shall provide the document with the wording seller's mortgage deed.

13. (1) Persons who fail to provide the information in a timely manner pursuant to section 3a and sections 8-12a of this Act, or in EU legislation on the collection and processing of statistical data, or who knowingly or by gross negligence provide incorrect information, are punishable by fine.
- (2) Companies etc. (legal entities) may be liable to punishment according to the rules in chapter 5 of the Danish Criminal Code.
- (3) In cases concerning the information referred to in section 9, a fine may be imposed under the provisions of the Danish Customs Act.
- (4) Non-compliance with time limits for submission of information required under EU legislation on statistics of the exchange of goods between member states will not be punishable, except when such non-compliance is intentional or is the result of gross negligence. However, an administrative fee of DKK 550 will be imposed on the person liable for providing the information.
- (5) Statistics Denmark can exempt the person responsible for providing the information from payment of the administration fee if they find it reasonable to do so due to special circumstances.
- (6) At the recommendation of the board, the Minister for Economic Affairs and the Interior will determine the detailed rules for imposition and collection of the administration fee.

●デンマーク統計法

<https://www.dst.dk/Site/Dst/SingleFiles/GetArchiveFile.aspx?fi=1424585935&fo=0&ext=direktion>

**Statistics Act 1973 2020 REVISED EDITION**

**Power of Chief Statistician and director of research and statistics unit to issue requisition for information**

- 5.-(1) The Chief Statistician or the director of a research and statistics unit may issue a requisition to any person or the occupier of any premises to furnish particulars and supply information to him or her, for the purpose of obtaining data for statistical purposes, and every such person or occupier is bound to furnish the particulars and supply the information to the best of the person's or occupier's knowledge and belief.
- (2) A requisition must –
- (a) be in writing;
  - (b) be served upon the person to whom it is addressed or the occupier of any premises (as the case may be) in the manner specified in section 11; and
  - (c) specify the particulars or information required.
- (3) A requisition may –
- (a) specify the form in which and the time within which the particulars and information are to be furnished;
  - (b) require the particulars and information to be furnished periodically at or within such time or times and in such form or forms as are specified in the requisition; and
  - (c) specify the place or manner at or in which the particulars and information are to be delivered.
- (4) No person is bound to furnish any particulars or information other than those which are accessible to the person or derived by the person from any business, occupation or work in the conduct or supervision of which the person is engaged.

**Power to request information from research and statistics units and other public agencies**

- 6.-(1) For the purpose of obtaining data for statistical purposes, the Chief Statistician may in writing direct –
- (a) the director of any research and statistics unit to furnish or supply to the Chief Statistician any particulars or information obtained pursuant to any requisition issued by the director under section 5; or
  - (b) any public agency to furnish or supply to the Chief Statistician any particulars or information in the possession of the public agency, whether or not –
    - (i) the particulars or information were provided to the public agency by another person or public agency (called in this section the data source); or
    - (ii) the public agency directed to furnish the particulars or information, or the data source, is under any obligation (whether imposed by any written law or otherwise) not to disclose the particulars or information.
- (2) Despite the provisions of this Act or any other written law, the director of any research and statistics unit or the public agency must furnish the particulars and information as directed under subsection (1) except, in relation to a direction under subsection (1) (b), any particulars or information which have been exempted from being so furnished by –
- (a) the Minister responsible for the public agency directed to furnish or supply the particulars

- or information under subsection (1) (b); or
- (b) the Minister responsible for the data source.
- (3) All particulars and information required to be furnished under subsection (1) must be furnished within such time as may be agreed to between the Chief Statistician and the director of a research and statistics unit or the public agency, as the case may be.
- (4) Despite the provisions of this Act or any other written law –
- (a) no person shall be guilty of an offence under this Act or that other written law or of any breach of confidence or incur any liability, criminal or civil, by virtue merely of the person disclosing any particulars or information to the Chief Statistician pursuant to any direction under subsection (1); and
- (b) no officer of the Department of Statistics (including the Chief Statistician) shall be guilty of an offence under this Act or that other written law or incur any liability, criminal or civil, by virtue merely of the officer accessing, or disclosing to another officer of the Department of Statistics, any particulars or information obtained pursuant to any direction under subsection (1), in the performance of the officer's duties or functions as an officer of the Department of Statistics.
- (5) Subsection (1) does not apply to any particulars or information obtained under any written law administered by the Monetary Authority of Singapore.

●1973 年統計法

<https://sso.agc.gov.sg/Act/SA1973>

**STATISTICS ACT Latest amendment: Act No. 14839, Jun. 9, 2020**

**Article 18 (Approval for Production of Statistics)**

- (1) Where the head of a statistics service agency intends to produce new statistics, he/she shall obtain prior approval from the Commissioner of Statistics Korea on the matters prescribed by Presidential Decree, such as name, kind, purpose, subject of survey, method of survey, statistical chart form, distinction of sex, etc. The same shall apply where he/she intends to change the approved matters or to suspend the production of statistics that has been approved.
  - (2) The head of a statistics service agency shall judge in advance whether it is possible to produce statistics by utilizing administrative data before he/she obtains approval under paragraph (1) or he/she holds consultations with the Commissioner of Statistics Korea under Article 20. In such cases, he/she may request the Commissioner of Statistics Korea to make a judgment thereon.
  - (3) In any of the following cases, the Commissioner of Statistics Korea may not give approval under paragraph (1):
    1. Where it is recognized that the details, such as the subject, purpose, method of a survey or report, are the same as or similar to those of other statistics that have been already approved;
    2. Where it is recognized that it is impracticable to ensure the reliability of statistics because the sample size is too small or proven techniques for producing statistics are not used;
    3. Where it is not recognized as being produced for the purpose of public interest because the subject, purpose, etc. of a survey or report give too much weight to a specific interest group or specific section or it is produced for profit.
- (4) When the Commissioner of Statistics Korea has given approval under paragraph (1), he/she shall announce it publicly. In such cases, matters to be included in public announcement, such as the title of statistics that have been approved and name of statistics service agency, shall be prescribed by Presidential Decree.

**Article 24 (Provision of Administrative Data)**

- (1) If necessary for the production of statistics, the head of a central administrative agency or the head of a local government may request the head of a public institution to provide administrative data.
- (2) When the head of a public institution is requested to provide administrative data pursuant to paragraph (1), he/she shall comply therewith unless there is good cause prescribed by Presidential Decree, such as the disclosure, etc. of national secrets or important secrets of individuals or enterprises.
- (3) Where administrative data are provided under paragraph (2), the head of a requesting agency and the head of a providing institution shall consult on and determine the scope, method, etc. of the provision, and the head of a providing institution may limit the method of use, departments that can use such data or other necessary matters in order to protect the information of individuals, corporations, organizations, etc. included in the administrative

data, or may request the requesting agency to devise necessary measures to ensure the safety of administrative data (hereinafter referred to as "information protection measures").

- (4) The administrative data provided by public institutions pursuant to paragraph (2) shall not be used for any purpose other than the production of statistics, nor shall it be provided to other persons.
- (5) Where the head of a requesting agency fails to take the information protection measures that is requested under paragraph (3) or violates paragraph (4), the head of an institution providing administrative data may suspend or limit the provision of data.

#### **Article 24-2 (Provision of Data by Judicial Agencies, etc.)**

- (1) Where it is necessary for the production of statistics, the Commissioner of Statistics Korea may request the Minister of the National Court Administration to provide digital data on the registration of family relations.
- (2) Where it is necessary for the production of statistics, the Commissioner of Statistics Korea may request the Commissioner General of the Korean National Police Agency and the Commissioner of the Korea Coast Guard to provide information on criminal justice related to the statistics on the causes of death.
- (3) Article 24 (2) through (5) shall apply mutatis mutandis to matters necessary for the provision of data under paragraphs (1) and (2).
- (4) The Commissioner of Statistics Korea shall produce statistics (hereinafter referred to as "vital statistics" ) to identify demographic changes such as birth, death, marriage and divorce, based on the following data: 1. Digital data on the registration of family relations under paragraph (1); 2. Other data prescribed by Presidential Decree, such as data prepared and submitted by a reporting party at the time of reporting matters such as birth, death, marriage and divorce under other Acts.
- (5) The scope of data for which provision can be requested pursuant to paragraph (1) and matters such as the scope and method of conducting a survey for production of the vital statistics under paragraph (4) shall be prescribed by Presidential Decree.

#### **Article 25 (Requests, etc. to Submit Data)**

- (1) Where relevant data are necessary for the production of designated statistics, the head of a central administrative agency or local government shall judge in advance whether he/she may achieve the purpose of producing the designated statistics by utilizing administrative data provided pursuant to Article 24.
- (2) Where it is impossible to produce designated statistics by utilizing administrative data provided pursuant to Article 24, the head of a central administrative agency or local government may request individuals, corporations, organizations, etc. to submit relevant data.
- (3) Where it is recognized as necessary for the production of designated statistics at the request of a designated statistics service agency, the Commissioner of Statistics Korea may make a request under paragraph (2).
- (4) Any person who has received a request to submit data under paragraphs (2) and (3) shall comply with such request unless there is a good cause.

- (5) Necessary matters concerning procedures, methods, etc. for requesting to submit data under paragraphs (2) and (3) shall be prescribed by Presidential Decree.

#### **Article 26 (On-Site Surveys, etc.)**

- (1) Where it is necessary to conduct surveys or verify information concerning matters approved by the Commissioner of Statistics Korea pursuant to Article 18 for the production of statistics, the head of a statistics service agency shall judge in advance whether it is possible to achieve the purpose of producing statistics by utilizing administrative data made available for their uses. In such cases, the head of a designated statistics service agency under Article 15 may request the Commissioner of Statistics Korea to make a judgment thereon.
- (2) Where it is impossible to achieve the purpose of producing statistics by utilizing administrative data under paragraph (1), a person who engages in affairs concerning the production of statistics may request relevant persons to submit relevant data or ask them questions relating to matters approved by the Commissioner of Statistics Korea pursuant to Article 18.
- (3) In conducting surveys or verifying information for the production of designated statistics, those who have been requested to submit data or have been asked questions under paragraph (2) shall comply therewith unless there is good cause.
- (4) A person who performs duties under paragraph (2) shall carry an identity document indicating his/her authority with him/her and present it to relevant persons.

#### **Article 41 (Administrative Fines)**

- (1) Where, in violation of Article 27-2 (3), a statistics service agency fails to keep the record that states the details of statistics, date, provider, method of provision, name of the agency being provided with the statistics and the person in charge at the agency and accompanying evidentiary materials, which are provided before official announcement, for five years, it shall be subject to an administrative fine not exceeding five million won.
- (2) Any person who fails to comply with a correction order in violation of Article 22 (3) shall be subject to an administrative fine not exceeding three million won.
- (3) Where any of the following is applicable, a designated statistics service agency shall be subject to an administrative fine not exceeding two million won:
1. Where it fails to comply with a request to suspend the production of statistics, to change statistics or to improve business concerning the production and dissemination of statistics, in violation of Article 12 (2);
  2. Where it produces statistics, suspends the production of statistics or changes approved matters without obtaining approval from the Commissioner of Statistics Korea, in violation of Article 18 (1);
  3. Where it produces statistics, suspends the production of statistics or changed consulted matters without consulting with the Commissioner of Statistics Korea, in violation of Article 20 (1);
  4. Where it fails to follow the standard classification prepared and publicly announced by the Commissioner of Statistics Korea, or produces statistics by applying another standard without

- obtaining consent from the Commissioner of Statistics Korea in violation of Article 22 (2);
5. Where it fails to announce statistics in violation of Article 27 (1) or officially announces statistics without consulting with the Commissioner of Statistics Korea in violation of paragraph (5) of the same Article;
  6. Where it fails to announce statistics without obtaining approval from the Commissioner of Statistics Korea in violation of Article 27 (3) or fails to submit the result to the Commissioner of Statistics Korea in violation of paragraph (6) of the same Article; 6-2. Where it fails to disclose the result of comparison between and examination of the statistics produced in the previous year and the officially announced statistics or fails to submit it to the Commissioner of Statistics Korea, in violation of Article 27-2 (5);
  7. Where it fails to submit data, in violation of the latter part of Article 28 (3);
  8. Where it fails to submit data, in violation of Article 35 (2).
- (4) Any of the following persons shall be subject to an administrative fine not exceeding one million won:
1. Any person who uses administrative data (excluding the matters classified as confidential information) provided by public institutions for a purpose other than statistical purpose, or provides them to other persons, in violation of Article 24 (4);
  2. Any person who rejects or obstructs the provision of data, or submits false data, in violation of Article 25 (4);
  3. Any person who rejects, obstructs, or evades a request for submission of related data or for an answer, or submits false data or gives a false answer, in violation of Article 26 (3);
  4. Any person who uses statistical data (excluding the matters classified as confidential information) provided by a statistics service agency for a purpose other than that for which it is provided, or provides them to other persons, in violation of Article 30 (3) or 31 (4)
  5. Any person who uses the matters (excluding the matters classified as confidential information) that he/she came to know in the course of performing his/her duties for a purpose other than for the duties, or provides them to other persons, in violation of Article 34 (excluding where the person is imposed with a penalty pursuant to Article 39 (1) 2).
- (5) Administrative fines under paragraphs (1) through (3) shall be imposed and produced by the Commissioner of Statistics Korea, and those under paragraph (4) shall be imposed and produced by the heads of central administrative agencies (in the case falling under subparagraphs 3 through 5 of the same paragraph, the Commissioner of Statistics Korea, if a person on whom disposition of an administrative fine is to be imposed is requested to submit data or is questioned by a person engaged in the production of statistics at a designated statistics service agency, or is provided with statistical data by a designated statistics service agency, or is or was a statistics staff member of a designated statistics service agency, or is or was engaged in the production of statistics after being entrusted with all or part of the production of statistics by a designated statistics service agency) or by the heads of local governments, as prescribed by Presidential Decree.

●統計法

[https://mods.go.kr/anse/file/STATISTICSACT\\_2021.pdf](https://mods.go.kr/anse/file/STATISTICSACT_2021.pdf)