

**Statistics Rules 2013**

**1 Name**

These are the Statistics Rules 2013.

**2 Interpretation**

In these Rules –

“administrative source” means a register of data, which could be viewed as a source of information for official statistics;

“Council” means the Council for the Ongoing Government of Tokelau;

“dwelling” means any building or erection, whether permanent or temporary, which is wholly or partly used for human habitation; and includes a vessel or aircraft at any island of Tokelau, or on a passage between any of those islands;

“form” means any book, document, form, card, tape, disc, or storage media on which the information required is entered or recorded, or is required to be entered or recorded for statistical purposes under these Rules;

“government department” means any department, agency, or division of the Government of Tokelau and includes any village;

“Minister” means the Minister responsible for Statistics;

“Office” means the Tokelau National Statistics Office;

“official statistics” means statistics derived from statistical surveys under these Rules, and administrative and registration records and other forms, the statistical analysis of which is published regularly by a government department or could reasonably be published regularly by a government department;

“statistical survey” means a survey of undertakings or of the public in Tokelau, whereby information is collected from all persons in a field of enquiry or from a sample of them, by a government department under these Rules, wholly or primarily for the purpose of processing and summarising by appropriate statistical procedures and publishing the results in statistical form;

“undertaking” means any business enterprise operating in Tokelau whether publicly or privately owned and any institution operating in Tokelau whether church, community organisation, school, or hospital.

**3 The role of the National Statistician**

- (1) (i) The Council must appoint a National Statistician.

- (ii) The National Statistician will be the administrative head of the Office and have the functions, duties, and powers imposed on the National Statistician by this or any other Rule.
- (2) The National Statistician has responsibility for deciding the procedures and methods employed in the provision of any statistical survey undertaken by the Office, and deciding the extent, form, and timing of publications of those surveys.
- (3)
  - (i) Notwithstanding para (2), the Council may direct the National Statistician to either collect or cease collection of a specific statistic.
  - (ii) The National Statistician can publicly state that he or she was directed to either collect or cease collection of a statistic, if he or she chooses to do so.

#### **4 Interaction with other government departments**

- (1)
  - (i) The National Statistician can ask government departments for information regarding the concepts, classifications, forms, methods, and procedures used in official statistics.
  - (ii) The head of each government department must advise the National Statistician of any new official statistics or substantial alteration to existing official statistics in relation to their department.
- (2)
  - (i) The National Statistician is authorised to access administrative sources kept by other government departments for the purpose of producing official statistics by the Office.
  - (ii) Data from administrative sources used by the Office in official statistics must be kept separately from the administrative source and be considered as data collected under these Rules.

#### **5 Employment in the Office**

Anyone employed in the Office can perform such functions, exercise such powers, and is subject to the duties of the National Statistician as directed by the National Statistician.

#### **6 Duties of the National Statistician**

The National Statistician shall -

- (i) collect, compile, analyse, publish, and disseminate, with or without comment, official statistics; and
- (ii) advise the Minister on statistical matters and confer with other government departments in forming the advice; and
- (iii) keep the Minister informed of the statistical projects of other government departments and where appropriate after consulting the government department provide a report to the Minister on the purpose, methodology, and usefulness of any existing or proposed official statistics; and
- (iv) provide advice to government departments on their statistical projects and promote the observance of statistical standards by those government departments; and
- (v) consult with government departments on the need for, scope, procedure, and form of any official statistics to be carried out by the government departments

- and provide a report to the Minister on the necessity for, scope, and method of the official statistics, and the responsible government department; and
- (vi) define and promote standards for use in official statistics; and
  - (vii) examine and comment on the validity or interpretation of any official statistic as the National Statistician deems necessary.

## **7 Census of population and dwellings and the population count**

- (1) The National Statistician must:
  - (i) arrange for the taking of a census of the population and dwellings of Tokelau in 2016 and every fifth year afterwards; and
  - (ii) arrange for the taking of a count of the population of Tokelau before 31 December in the year prior to a national election for the purposes of meeting the electoral requirements of the Tokelau Election Rules.
- (2) The date for taking of the Tokelau Census of Population and Dwellings must be set by public notice by the National Statistician after consultation with the Council.

## **8 Declaration of secrecy**

- (1) Anyone undertaking work for, or on behalf of the National Statistician, whether employed in the Office or other government department must, before commencing work, make a declaration of secrecy for life in the form set out in the schedule to these Rules.
- (2) Any person, whether a Tokelau public servant or not, who is likely in the course of carrying out their terms of work with Tokelau to have access to information collected under these Rules must make a declaration of secrecy for life in the form set out in the schedule to these Rules.
- (3) Anyone who makes a declaration under para (1) or para (2) shall be deemed to be an employee in the Office for the purposes of Rules 11(2), 11(3), 13, 16, and 19(1) in relation to the statistical collection with which they are associated.
- (4) Every declaration made for the purposes of these Rules must be archived by the National Statistician.

## **9 Official statistics and coordination**

- (1) Official statistics can be collected to provide information required by the General Fono, Council, government departments, village councils, undertakings, and the general public for the purpose of making policy decisions and to facilitate the appreciation of economic, social, demographic, and other matters of interest.
- (2) In order to coordinate as effectively as possible and to make the best use of the official statistics produced and also to avoid unnecessary duplication of requests for information, all official statistics are subject to these Rules.

## **10 Statistical surveys and censuses**

- (1) A statistical survey or census by the Office can be made only with the written approval of the Council unless otherwise allowed under these Rules.

- (2) The National Statistician can design and designate appropriate forms for collection of statistics by the Office and state the instructions and procedures necessary for the proper distribution, filling in, and return of the forms.

#### **11 Security of information**

- (1) Information provided to the National Statistician under these Rules must be used by the National Statistician only for statistical purposes.
- (2) No person, except those considered employees in the Office under these Rules, shall be permitted to see any individual form or any answer to any question collected under these Rules except for the purpose of prosecution under these Rules.
- (3) Other than for the purpose mentioned para (2) no information contained in any individual form and no answer to any question collected under these Rules can be published or disclosed to any undertaking or person other than under these Rules, nor to a person who has not signed a declaration under these Rules.
- (4) All official statistics must be published in a manner as to prevent any information published from being identifiable by any person as particulars relating to any one person or undertaking unless:
  - (i) that person, or person or body responsible for the undertaking, has consented to their publication in that manner or has already permitted their publication in that manner or
  - (ii) their publication in that manner could not reasonably have been foreseen by the National Statistician.
- (5) No information provided under these Rules can be disclosed or used as evidence in any proceedings except under para (2).
- (6) No person who has made a declaration under Rule 8 can be compellable in any proceedings to give evidence regarding information returned under these Rules except under para (2).

#### **12 National Statistician can disclose some information**

Notwithstanding Rule 11 the National Statistician may disclose:

- (i) information supplied by a person or undertaking in respect of which disclosure is consented to in writing by the person, or person or body in charge of the undertaking;
- (iii) details of external trade, movement of ships and aircraft, and cargo handled at ports;
- (iv) individual forms from the census of population and dwellings 80 years after the census took place;
- (v) unit record information to other government departments or international statistical organisations for demonstrable statistical purposes, if –
  - (a) disclosure of information satisfies the requirements of these Rules; and
  - (b) the information published does not disclose more than the National Statistician would disclose; and

- (c) proper security and privacy measures are in place as decided by any policy set down by the National Statistician and the National Statistician is satisfied with the purpose for which the information is requested; and
- (d) custodianship of the information remains with the National Statistician.

### **13 Breach of the declaration of secrecy, or privacy of information**

Any person who in the execution of any duty, exercise, power, or function under these Rules commits an offence and is liable on conviction to a fine not exceeding three penalty units, or community service not exceeding 3 months, who:

- (i) after having made the declaration described in Rule 8 fails without lawful excuse to carry out the duties under these Rules, or knowingly makes any false declaration, statement, or return; or
- (ii) in the performance of his/her duties obtains or seeks to obtain information which they are not authorised to obtain; or
- (iii) knowingly fails to keep the secrecy of the information gathered or entered on the forms collected by the National Statistician under these Rules; or
- (iv) divulges the contents of any form filled in or any information given to the National Statistician under these Rules.

### **14 Persons to fill in forms**

Every person from whom information is requested for the purposes of any statistical survey made under these Rules must to the best of their knowledge and truthfully, when required to do so by the National Statistician, fill in and supply information in accordance with the instructions provided by the National Statistician.

### **15 Neglect or refusal to supply information**

- (1) Any person who neglects or refuses to fill in and supply information on, or required by, a form sent or given to them by the National Statistician under these Rules is liable on conviction to a fine not exceeding two penalty units, or, in the case of an undertaking to a fine not exceeding three penalty units.
- (2) Any person convicted under para (1) shall still be required to fill in and supply information on, or required by, the form sent or given to them by the National Statistician under these Rules.
- (3) If after 15 working days, a person convicted under para (1) has failed to fill in and supply information on, or required by, the form sent or given to them by the National Statistician, that person commits a further offence under para (1)
- (4) Where the National Statistician requests information on a voluntary basis, a person who fails to provide the information commits no offence under para (1).

### **16 False statement**

Any person who knowingly makes a false statement or provides false information required on, or by a form, sent to them by the National Statistician under these Rules is liable on conviction to a fine not exceeding two penalty units, or, in the case of an undertaking to a fine not exceeding three penalty units.

### **17 Mutilation or defacement of forms**

Any person without lawful excuse who destroys, defaces, removes or mutilates a form, or information on, or required, by a form sent to them by the National Statistician under these Rules is liable on conviction to a fine not exceeding two penalty units.

### **18 Obstruction of the National Statistician**

- (1) Any person who interferes with, hinders, or obstructs the National Statistician, or any employee of the Office in the exercise of the powers under these Rules commits an offence.
- (2) Any person who commits an offence under para (1) is liable on conviction to a fine not exceeding three penalty units.

### **19 Impersonation**

- (1) Any person who is not employed by the National Statistician under these Rules and by words, conduct, deed, or demeanour pretends that they are employed by the National Statistician under these Rules or assumes the name, designation, or description of someone who is employed by the National Statistician under these Rules commits an offence.
- (2) Every person who commits an offence under para (1) is liable on conviction to a fine not exceeding three penalty units, or community service not exceeding 3 months.

### **20 Limitations of prosecution**

No prosecution in relation to an offence under these Rules can be commenced later than 12 months from the time the National Statistician becomes aware of the offence.

### **21 Repeal**

The Census Rules 1961 are repealed.

**Schedule 1**

**Declaration of secrecy**

To be declared by all those employed in the Tokelau National Statistics Office under Rule 5 of the Statistics Rules 2013, or working for or on behalf of the National Statistician under Rule 8 of the Statistics Rules 2013 and to whom information about individuals, families, dwellings, business, or institutions may be disclosed in the collection, processing, or tabulation of information collected under the Statistics Rules 2013.

I,.....

*(Full name)*

Of.....

*(Village/City, Country)*

Sincerely declare that I will not disclose any information about individuals, families, dwellings, businesses, or institutions, or any information that may identify individuals, families, dwellings, businesses, or institutions that I obtain in my role or work with the Tokelau National Statistics Office, except as authorised by the National Statistician.

I recognise that the privacy and security of individuals, families, dwellings, businesses, and institutions are protected under the Statistics Rules 2013, and I will ensure that no one not authorised by the National Statistician will be allowed to view private information.

I recognise that this declaration of secrecy is binding for my entire life, as required by the Statistics Rules 2013.

Signature .....

Declared at (village / city) ..... this..... day of..... 20.....