

**LAW ON STATE STATISTICS**  
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# **LAW ON STATE STATISTICS**

## **I. GENERAL PROVISIONS**

### **Article 1**

This Law regulates the set up and operation of the state statistics, methodological and organizational basis of statistical researches, collecting, processing, presenting, keeping, protecting and providing of statistical data.

### **Article 2**

The state statistics shall be a professional and independent activity, which, on the basis of scientific grounds provides the state bodies, public enterprises, public institutions, the public in general and other beneficiaries with data regarding the condition and movements of the economy, human resources, demography, protection of the environment and nature, and other areas.

### **Article 3**

Certain expressions and phrases used in this Law shall have the following meaning:

“Statistical researches” means: preparing, collecting, processing, storing and keeping of data, analyzing and reporting statistical data regarding the circumstances in the areas stated in Article 2 of this Law.

“A reporting unit” means the bearers of data collections, legal entities and natural persons determined as data providers.

“Collecting of statistical data” means concentration of answers contained in the statistical questionnaires, forms, survey documents and information contained in other media with data from the areas stated in Article 2 of this Law.

“A data collection” means registries determined by law, evidence determined by law or general acts based on law, bases and data banks kept on the basis of public or other authorizations.

“Database” means data collections prepared according to determined rules and standards prescribed for administrating, updating and time limits for keeping them by the bearer of the database.

“Identification data” means such individual data that allow direct identification of the legal entity or the natural person, and refer to the name and surname, the address and the unique ID number administrated according to the regulations.

“Individual data” means data referring to a legal entity or a natural person.

Individual data referring to natural persons are considered as personal data.

“Delicate data” refers to personal data that reveal the political opinion, religious or other beliefs, and personal data related to the personal health and criminal convictions.

“User of data” means all the legal entities and natural persons who are in need of statistical data.

## **Article 4**

The state statistics shall be applied according to the principles of neutrality, impartiality, professional independence, confidence and rationality.

## **II. ORGANIZATIONAL STRUCTURE OF THE STATE STATISTICS**

### **Article 5**

The basic duties in executing the operations of state statistics shall be performed by the Statistics Office of the Republic of Macedonia (hereinafter: the Office) in cooperation with the reporting units for the purpose of obtaining statistical data from data collections.

The state administrative bodies, institutions for payment operations, funds and institutes (hereinafter: authorized bearers) shall perform separate statistical researches in the frames of its own authorizations.

The statistical researches performed by the authorized bearers pertaining to paragraph 2 of this Article shall be determined in the Program for Statistical Researches.

### **Article 6**

The authorized bearers shall perform the following activities related with the statistical researches that are carried out in compliance with the Program for Statistical Researches (hereinafter: the Program):

- prepare the methodological grounds for statistical researches pursuant to Article 15 of this Law;
- prepare the instruments for realization of the research;
- process and publish the results of the statistical researches;
- perform other duties, as well, determined by law.

## **1. Statistics Office of the Republic of Macedonia**

### **Article 7**

The Office shall be a professional, independent administrative organization with authorizations determined by this and other laws.

The Office shall establish regional units on the territory of the Republic of Macedonia.

The number of regional units shall be determined by the Act for Organization and Operation of the Office.

The Office shall be a legal entity.

### **Article 8**

The Office shall, in the frames of its authorizations, perform the following professional activities:

- prepare the instruments for statistical researches;

- collect and process the statistical data;
- analyze the statistical data and interpret the results from the statistical researches;
- fulfill the international obligations in the field of statistics;
- determine the need for statistical data;
- keep, present and mediate when providing the statistical data;
- cooperate with authorized bearers who perform statistical researches from the field of state statistics in the frames of their authorizations;
- give an opinion to the authorized bearers regarding the methodological grounds pursuant to Article 15 of this Law;
- give an opinion when introducing new and updating the existing data collections which may be a source of data for the state statistics;
- prescribe organizational and technical measures for protection of individual data;
- give initiatives and proposals for meaningful updating of the existing evidence and registries, which are used for statistical researches in compliance with law and the Program;
- prepare statistical broadcasts, trends and models;
- provide services for the users' needs from the field of statistics, upon their request;
- establish, administer and maintain statistical data collection;
- develop methods and techniques for protection of individual data and presentation of results from the statistical researches;
- prescribe, improve and reconcile methodological grounds for statistical researches;
- independently and in cooperation with other bearers to realize projects from the field of the state statistics;
- popularize the statistics;
- perform other activities determined by this and other laws.

### **Article 9**

The director shall manage with the Office.

The director shall have a deputy director.

The director of the office and the deputy director shall be appointed and recalled by the Government of the Republic of Macedonia for a period of four years, with a right to be appointed again.

## **2. Statistics Council of the Republic of Macedonia**

### **Article 10**

The Statistics Council of the Republic of Macedonia (hereinafter: the Council) shall be established as a professional council body for the state statistics.

### **Article 11**

The Council shall be constituted of a president and 12 members who will be appointed and recalled by the Assembly of the Republic of Macedonia.

Prominent scientists and other professionals from the field of the statistics, economics, social activities and the political system may be appointed as members of the Council.

The Director of the Office shall participate at the sessions of the Council.

Members of the Council shall be appointed for a period of four years.

The Office shall perform the administrative and technical activities for the needs of the Council.

## **Article 12**

The Council shall perform the following activities:

- debate on the initial keystones of the Program;
- give an opinion on the Proposal for Adoption of the Program;
- give suggestions and proposals on the methodological grounds for statistical researches of the Office and the authorized bearers;
- make suggestions for changing and updating of the Program;
- give an opinion on the proposed changes and updates of the Program;
- give an opinion on the Annual Report of the Office for the Realization of the Program;
- give an opinion and make suggestions on the laws and other regulations from the field of the state statistics;
- propose modernization and rationalization of the state statistics;
- propose improvement of the international cooperation in the field of the statistics;
- submit to the Assembly of the Republic of Macedonia an Annual Report for its work
- adopt a Book of Rules.

## **Article 13**

The director of the Office may establish committees for certain fields (hereinafter: committees).

The committees pertaining to paragraph 1 of this Article shall be constituted of professionals who will provide professional assistance in the development of statistical methodologies, nomenclatures, standards and alike.

## **III. METHODOLOGICAL GROUNDS OF STATISTICSAL RESEARCHES**

### **Article 14**

The methodological grounds for statistical researches shall contain:

- selection of reporting units;
- obligatory content of the statistical research;
- definitions, standards and alike that will be applied when carrying out the statistical research
- announcing whether the duty for providing the data is obligatory or not, and
- structure and degree of aggregation of the data of the statistical research.

## **Article 15**

The Office, i.e. the authorized bearers shall determine the methodological grounds for statistical researches.

The methodological grounds, which have not been reconciled with the internationally accepted principles and standards, shall be adopted by the authorized bearers upon a prior approval of the Office.

The Office shall give an opinion on the proposed methodological grounds by the authorized bearer in term of 15 days after the receipt of the request.

## **Article 16**

Methodological grounds for statistical researches determined by the Program shall be published in the “Official Gazette of the Republic of Macedonia”.

## **Article 17**

The state bodies and other bearers of data collections, when establishing or updating them, if using them for the purpose of statistical researches, as well shall obtain a written opinion on the methodological grounds by the Office.

The office, in cases pertaining to paragraph 1 of this Article shall be obligated to opine in a period of 15 days after the receipt of the request.

## **Article 18**

During the realization of the statistical researches, the unique standards such as classifications and nomenclatures shall be used.

The Government of the Republic of Macedonia shall determine the Standards, pertaining to paragraph 1 of this Article, which are to be published in the “Official Gazette of the Republic of Macedonia”.

## **Article 19**

The unique identifications and records and registries shall contain:

- determination of the record units, i.e. registry units;
- one-way identifications;
- methodology for administration and maintenance;
- the function of connecting;
- basis for protection of data and information;
- data on the record units and other.

When carrying the statistical researches, the unique identifications, records and registries, determined by law or general act shall be used.

## **IV. PROGRAM FOR STATISTICAL RESEARCHES**

## **Article 20**

The Government of the Republic of Macedonia shall adopt the Program for Statistical Researches.

The Office shall prepare the proposal for adoption of the Program in cooperation with authorized bearers.

The Program shall be valid for a period of 5 years, and when needed, it may be changed and updated annually.

The Program shall be published in the “Official Gazette of the Republic of Macedonia”.

### **Article 21**

For the realization of the Program, the Office shall submit an Annual Report to the Government of the Republic of Macedonia.

The authorized bearers shall submit the data to the Office, for the purpose of preparation of the Annual Report.

### **Article 22**

The Program shall determine the following:

- the name and designation of the statistical research
- the content of the statistical research
- the reporting units
- the cycle of carrying out the statistical research (monthly, quarterly, semi-annual, annual, in several years or in periods);
- the critical moment or the period of the statistical research;
- the term during which the data need to be delivered;
- the name of the bearer who administers the statistical research;
- the terms during which the data need to be processed and published, and
- the data that are published obligatorily.

### **Article 23**

Occasional statistical researches that are administered through a survey shall be regulated by laws.

## **V. DATA COLLECTIONS**

### **Article 24**

For more rational execution of the Program, as well as for the other needs that are in compliance with this Law, the Office shall use data from the data collections.

### **Article 25**

Data collections may be used as sources of data for statistical researches in all cases, if appropriate protection measures of data are obtained in compliance with this Law, unless the Law, which introduced them, strictly determines that those data may not be used for statistical purposes.

The bearers of data collections that are determined by law shall be obligated to provide the Office with the data contained in the collections, which are necessary for realization of the statistical researches.

After receiving the data from the data collections, the Office shall arrange, house and keep them in its own databases together with the other previously collected data.

## **VI. COLLECTING PROCESSING AND KEEPING OF DATA**

### **Article 26**

The reporting units shall submit to the Office statistical data, determined in compliance with law and the Program, without any compensation.

The reporting units shall keep their own record about data, which they need to provide for the statistical researches.

For the administration and the content of records pertaining to paragraph 2 of this Article, the Office shall inform the reporting units before the beginning of the terms for which the data refers to.

The reporting units when administrating the data collections, which are also used for statistical researches, shall apply the unique standards.

The data for statistical researches shall be collected through statistical questionnaires, forms, and taking over the data directly from the appropriate documents of the reporting unit or data collections.

### **Article 27**

Before collecting the data, the Office and the authorized bearers shall have to inform the reporting units about the following:

- the legal basis for collecting data;
- the purpose of collecting data;
- the name of the body which will collect and process the data;
- protection of data;
- the scope and manner of collecting data;
- whether there is an obligation for providing the data.

### **Article 28**

The following needs to be stated on the statistical forms and other instruments for administrating the statistical research:

- the legal basis for executing the statistical research;
- the name of the bearer who is in charge of carrying out the statistical research;
- the name and content of the statistical research, and obligation to protect the data.

### **Article 29**

The persons who are entitled to directly collect the data from the reporting units as examiners, appraisers, individuals who conduct the survey and others, and persons who are entitled to control the data from the reporting unit, shall be given a written authorization by the director of the Office.

The written authorization pertaining to paragraph 1 of this Article shall contain the following data: name and surname of the person, the unique ID number of the

citizen (EMBG), the address of living, the title of the statistical research for which s/he has been authorized, the obligation for data protection and the term of validity of the authorization.

The written authorization pertaining to paragraph 1 of this Article shall be valid with the ID card and the person shall, before the collection or control of the statistical data, show it to the reporting unit.

### **Article 30**

The reporting units that have an obligation according to the Program to give the data shall provide the Office with the complete and true data in a determined time period.

If the data are not complete, true or if they are irregularly prepared, the reporting units shall be obligated to correct them or to update them.

### **Article 31**

The statistical researches that are performed on a territorial principle shall be published on a level of units of the local self-government.

When publishing the data pertaining to paragraph 1 of this Article, provisions of this and other laws for data protection shall be applied.

### **Article 32**

Data collected in compliance with the Program shall be kept in the Office and with the authorized bearers in compliance with the prescribed principles and standards.

The source materials through which the data have been obtained from the reporting unit in accordance with the Program shall be kept during the terms necessary for achieving the goal for which they have been collected.

The director of the Office, i.e. the person who is in charge of the authorized bearer shall prescribe the terms pertaining to paragraph 2 of this Article for statistical researches in the frames of his/her authorizations.

### **Article 33**

The final results from the statistical research determined by the Program, shall be kept in an aggregated form permanently and in a manner and procedure prescribed by the director of the Office, i.e. the person who is in charge of the authorized bearer in the frames of his/her duties.

## **VII. DATA PROTECTION**

### **Article 34**

The Office and authorized bearers shall collect individual data for statistical purposes, for statistical researches determined by the Program and other laws.

As an exception to paragraph 1 of this Article, other data that have not been collected for statistical purposes may also be used for the statistical researches determined by the Program or by law.

Identification data collected in compliance with the Program may be used for creation of data collections for statistical purposes (selection of sample and alike).

### **Article 35**

The individual data, collected, processed or provided for statistical purposes may be used only for purposes determined by this Law. These data may not be used separately for making any decision related to a legal entity or a natural person, nor to be compiled in other data collections that are used for non-statistical purposes.

### **Article 36**

In cases when individual data are collected directly, the reporting unit shall be informed of the data contained in Article 27 of this Law.

In cases when individual data are taken from other data collections, the manner of informing the legal entity or the natural person to which the data refers shall be made in an appropriate way, unless the provision of such an information is impossible or requires unreasonable effort.

### **Article 37**

The delicate data processed for statistical purposes shall be collected in a form that does not allow identification of the person whom they refer to.

As an exception to paragraph 1 of this Article, if the identification of the person is necessary for processing of the delicate data, appropriate protection shall be provided, including separation of the identification data starting from the phase of their collection, except if it is unreasonable or impractical.

### **Article 38**

All personal data collected for statistical purposes shall be under the protection determined by this Law and the Law on Protection of Personal Data (“Official Gazette of the Republic of Macedonia” no. 12/94).

Regarding the rights of the person and his/her personal data that are collected in compliance with this Law, Article 21 paragraph 2 of the Law on Protection of Personal Data shall be applied.

Provisions of paragraphs 1 and 2 of this Article shall be appropriately applied on the individual data for legal entities that are determined as reporting units.

### **Article 39**

The employees in the Office and with authorized bearers on a temporary or permanent basis, as well as the executors who, on the basis of a contract collect or have an access to individual data, shall be obligated to keep the data as a business secret during and after the termination of their employment contract.

Persons pertaining to paragraph 1 of this Article shall be acquainted with the obligations for protection of the data prior to their acquaintance with the data.

#### **Article 40**

Individual data collected and processed for statistical purposes after being processed, shall be housed and kept until announcing the final results.

As an exception, data pertaining to paragraph 1 of this Article may be kept for a longer time period, for the purposes pertaining to paragraph 3 of Article 34 of this Law, but the latest until achieving the goal for which they have been kept.

#### **Article 41**

A delivery of individual data collected for statistical purposes to third parties shall be performed in cases when they will be used exclusively for statistical researches determined by the Program and when appropriate protection will be provided.

As an exception to paragraph 1 of this Article, individual data, without the identification data for the reporting units may be given to scientific institutions if the user provides all the protection measures determined by this Law and other regulations.

For providing data pursuant to paragraphs 1 and 2 of this Article a written contract shall be concluded.

The costs for providing data, which will be prepared pursuant to paragraph 2 of this Article, shall be covered by the users.

#### **Article 42**

Statistical results shall be available for use and published only if these results does not provide identification of entities (legal or natural) to whom the data refer to, unless the entity has already given an approval.

#### **Article 43**

In order to provide protection of individual data, collected for statistical purposes, measures will be undertaken against unauthorized access, delivery of any unauthorized processing, as well as measures, which will prevent from destruction, loosing, changing, misuse or unauthorized use of data.

Measures and techniques for providing protection of data collected according to the Program shall be prescribed by the Director of the Office, i.e. the person who manages with the authorized bearer.

### **VIII. USE AND PUBLICATION OF DATA**

#### **Article 44**

Statistical data that are published pursuant to the Program shall be public and available for everybody.

The results from the statistical researches of the Program shall be published by the Office and authorized bearers.

The authorized bearers shall submit to the Office a copy of the results from the statistical researches of the Program.

The integral publications from statistical researches, anticipated in the Program shall be published by the Office.

#### **Article 45**

The data that are in compliance with the Program and published by the Office and authorized bearers shall be considered as official data for the researches anticipated by the Program in the Republic of Macedonia.

Users of statistical data shall obligatory state the source of data when using them.

#### **Article 46**

The Office and authorized bearers may, upon their request, deliver the data to the users in a form and manner, different from the one determined by the Program if the provisions for protection of data are respected.

The users shall pay the costs for delivery of data that will be prepared pursuant to paragraph 1 of this Article, except for the state bodies.

#### **Article 47**

As an exception, the individual data on legal entities, collected for statistical purposes, may be published in the following cases, as well:

- if there is a written approval from the reporting unit to which the data refer to;
- if the data are taken from the public collections of data.

The written approval pertaining to paragraph 1 item 1 of this Article may be withdrawn at any time without any explanation.

#### **Article 48**

The Office shall publish the obtained results from the statistical researches in a form of announcements, publications, working documents, analysis, studies and other types of publication materials.

The entities to which publication materials have been distributed without any compensation and their number shall be determined by an Act of the Government of the Republic of Macedonia.

The prices of the publication materials pertaining to paragraph 1 of this Article and the expenses for preparation of the data pertaining to Article 46 of this Law shall be determined by the Office.

The Government of the Republic of Macedonia shall give an approval for the prices pertaining to paragraph 3 of this Article.

### **IX. INTERNATIONAL STATISTICS COOPERATION**

#### **Article 49**

When fulfilling the international obligations, the office, in cooperation with the authorized bearers in the field of the statistics shall cooperate, mediate and exchange data with other countries and international organizations.

A copy of the data, which the authorized bearers submit in the frames of the international statistics cooperation, shall submit to the Office, as well.

As an exception to paragraph 2 of this Article, in case the data provided by the authorized bearers need to be reconciled with the international statistical standards and principles, the data shall be provided after a prior approval given by the Office.

When executing the obligations pursuant to paragraph 1 of this Article, the Office, i.e. the authorized bearers shall cooperate with the Ministry of Foreign Affairs and when needed with other State administration bodies, as well.

## **Article 50**

For execution of its duties, after a prior consent by the Government of the Republic of Macedonia, the Office may become a member of international organizations and to cooperate with them.

The necessary funds for the membership deposit in cases pursuant to paragraph 1 of this Article shall be provided from the Budget of the Republic of Macedonia.

## **Article 51**

The international statistics cooperation shall be achieved through:

- preparation of statistical data in compliance with international and interstate agreements that the Republic of Macedonia has concluded or accepted;
- membership and cooperation with international and regional organizations and associations;
- participation in preparation of international publications;
- participation in realization of international projects
- cooperation with statistical bodies of other countries in the field of the statistics;
- preparation and provision of statistical data upon request of beneficiaries from abroad.

## **Article 52**

Regarding the data protection during the international statistics cooperation the provisions of this Law and the Law on Protection of personal data shall be applied.

# **X. FINANCING OF THE STATE STATISTICS**

## **Article 53**

Funds for realization of the Program shall be provided from the Budget of the Republic of Macedonia.

The revenues from performing the operations of the state statistics shall be paid on a separate giro-account – account for its own revenues.

## **XI. PENALTY PROVISIONS**

### **Article 54**

A fine of 100.000 to 300.000 MKD shall be levied against a legal entity if it does not submit to the Office the requested data in the determined time limits or if it submits untrue data (Article 26 paragraph 1 and Article 30).

A fine of 6.500 to 50.000 MKD shall be levied against a responsible person of the legal entity for a misdemeanor pertaining to paragraph 1 of this Article.

### **Article 55**

A fine of 200.000 to 300.000 MKD shall be levied against a legal entity if it breaks the provisions for protection of individual data obtained in compliance with Article 41 or if it does not provide the necessary protection measures, or if it uses out of the prices for which it obtained them (Article 41 paragraphs 1 and 2).

A fine of 12.000 to 50.000 MKD shall be levied against a responsible person of the legal entity, as well.

A fine of 12.000 to 50.000 MKD shall be levied against a natural person, who on the basis of an employment of contract has had an access to the individual data.

### **Article 56**

A fine of 12.000 to 50.000 MKD shall be levied against the responsible person in the Office or the authorized bearer and the person pertaining to Article 39, paragraph 1 of this Law for not undertaking or violating the prescribed measures for protection of the data collections.

### **Article 57**

A fine of 6.500 to 50.000 MKD shall be levied against the responsible person in the authorized body for administering the data collection determined by the laws that establish it, if upon request of the Office s/he does not provide the required data (Article 25 paragraph 2).

### **Article 58**

A fine of 5.000 to 30.000 MKD shall be levied against the responsible person in the authorized body for administering the data collection determined by the laws which establish it if prior or after the changes or updating of the content of the collection s/he does not request a written opinion from the Office (Article 176 paragraph 1).

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 59**

The regulations anticipated by this Law shall be adopted within three months from the date when it becomes effective.

The existing provisions that are not in compliance with this Law shall be applied until the adoption of the regulations anticipated by this Law.

#### **Article 60**

The Statistics Office of the Republic of Macedonia shall continue its operations in the field determined by this and other laws.

The Director shall adopt the General Acts for organization of the work and systematization of operations and duties of the Office within three months from the date when this Law becomes effective.

#### **Article 61**

As of the date when this Law becomes effective, the Law on Statistical Researches of Interest for the Republic (“Official Gazette of the Republic of Macedonia” no. 5/74 and 20/88) and the Law on Statistical Researches of Interest for the whole Country (“Official Gazette of SFRY” no. 39/77, 63/86 and 44/89) shall cease to be valid.

#### **Article 62**

This Law shall enter into force on the eighth day from the date of its publication in the “Official Gazette of the Republic of Macedonia”.