

STATISTICS BILL, 2021

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STATISTICS BILL, 2021

A BILL FOR AN ACT TO REPEAL THE STATISTICS ACT, 1973; TO ESTABLISH THE BAHAMAS NATIONAL STATISTICAL INSTITUTE AND THE BAHAMAS NATIONAL STATISTICAL INSTITUTE BOARD; TO MAKE PROVISION FOR A NATIONAL STATISTICAL SYSTEM TO FACILITATE THE ESTABLISHMENT OF STANDARDS FOR COLLECTING, COMPILING, ANALYSING AND PUBLISHING OFFICIAL STATISTICS AND FOR RELATED PURPOSES

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Statistics Act, 2021.
- (2) This Act shall come into force on a date as the Minister may appoint by notice published in the *Gazette*.

2. Interpretation.

In this Act —

“**anonymized microdata**” means information pertaining to any person in a form that conceals or protects the identity of that person;

“**authorized person**” means an employee of the Institute or any person authorized in writing by the Managing Director to obtain information or data;

“**Board**” means The Bahamas National Statistical Board established under section 7;

“**census**” means a statistical investigation covering all relevant statistical units in The Bahamas or in a well-defined part of The Bahamas;

“**Institute**” means The Bahamas National Statistical Institute established under section 5;

“**Managing Director**” means the person appointed pursuant to section 9;

“**Minister**” means the Minister responsible for Statistics;

“**National Statistical System**” means the statistical system established under section 4;

“**official statistics**” means statistics related to any matter contemplated in the *First Schedule* and that is disseminated by The Bahamas National Statistical Institute or public bodies within the National Statistical System as are authorized by The Bahamas National Statistical Institute to do so;

“**public body**” means —

- (a) a body corporate established by an Act of Parliament over which the Government exercises control; or
- (b) an entity owned or controlled by the Government that provides services in the market or undertakes commercial activities;

“**statistics**” means numerical or other data or information in connection with, or incidental to any census or survey or any of the matters specified in the *First Schedule*, including information relating to the collection, compilation, analysis and interpretation of the data or information;

“**survey**” means a statistical investigation covering a part or a sample of all relevant statistical units.

3. Purpose of Act.

The purpose of this Act is to develop a National Statistical Strategy and National Statistical System to facilitate the establishment of standards for collecting, compiling, analysing and publishing official statistics.

4. National Statistical System.

There shall be a National Statistical System which shall consist of producers of official statistics that shall comprise —

- (a) The Bahamas National Statistical Institute; and
- (b) Government ministries, departments and public bodies that produce, collect and disseminate official statistics.

PART II - THE BAHAMAS NATIONAL STATISTICAL INSTITUTE

ESTABLISHMENT AND FUNCTIONS

5. Establishment of The Bahamas National Statistical Institute.

- (1) There is established a body to be known as The Bahamas National Statistical Institute.
- (2) The Institute shall be a body corporate having perpetual succession and a common seal, and subject to the provisions of this Act, have the power to enter into contracts and to do all things necessary for the purposes of its functions.

6. Functions of Institute.

The functions of the Institute are —

- (a) to collect, compile, analyse and disseminate official statistics;
- (b) to conduct censuses and surveys as may be necessary from time to time in relation to the matters specified in the *First Schedule*;
- (c) to promote, develop and maintain a National Statistical System in The Bahamas;
- (d) to direct, monitor and evaluate the operations of the National Statistical System;
- (e) to carry out the National Statistical Strategy;
- (f) to make recommendations to the Board with respect to the annual budget of the Institute;
- (g) to ensure compliance with international best practices on the production of official statistics;
- (h) to liaise with other countries and regional and international organisations in relation to statistical matters;
- (i) to collaborate with individuals, firms, partnerships, associations, unincorporated bodies, companies, statutory corporations, ministries, departments, and agencies of Government in the collection, compilation and publication of statistics;
- (j) to establish a fee structure for publications and data sets that may be produced and compiled by the Institute and effect charges related to the publication and data sets; and
- (k) to do all things which may be necessary or incidental to the discharge of any of its functions and powers under this Act.

MANAGEMENT, ADMINISTRATION AND RELATED MATTERS

7. **Establishment of The Bahamas National Statistical Institute Board.**

- (1) There shall be a Board to be known as The Bahamas National Statistical Institute Board, which shall be the governing body of the Institute.
- (2) The *Second Schedule* shall have effect with respect to the constitution and procedure of the Board.

8. **Functions of Board.**

- (1) The functions of the Board are —
 - (a) to promote and protect the credibility, integrity and impartiality of official statistics;
 - (b) to promote and preserve the professional independence of the Institute;
 - (c) to develop policies and give general directions on the carrying out of the functions of the Institute;
 - (d) to monitor the implementation of policies for the effective co-ordination, organisation and management of the Institute;
 - (e) to review and approve the annual report and financial reports of the Institute;
 - (f) advise on the institutional structure and programmes of the Institute;
 - (g) to examine and approve the annual budget of the Institute;
 - (h) to establish committees as may be necessary;
 - (i) to approve the appointment and termination of staff on the terms and conditions as recommended by the Managing Director;
 - (j) to establish the terms and conditions for the engagement and incumbency of the Managing Director;
 - (k) to review the performance of the Managing Director; and
 - (l) to perform other functions as are necessary for the proper functioning of this Act.
- (2) In the exercise of its functions, the Board shall not be responsible for the functions of the Institute as set out in section 6 and shall not —
 - (a) save for policy directions and other directions provided to the Managing Director in pursuance of subsection (1), provide specific directions to any employee of the Institute with respect to the functions of the Institute; and

- (b) have access to any information concerning an individual or other person, whether or not incorporated, which may be obtained by the Institute as a result of the functions of the Institute.
- (3) The Minister may give to the Board directions in writing with respect to the execution of specific surveys, research or related reports on official statistics as he considers necessary or expedient in the fulfilment of policy objectives and the Board shall give effect to such directions.

9. Appointment of Managing Director.

- (1) There shall be a Managing Director of the Institute who shall —
 - (a) be appointed by the Board, with the concurrence of the Minister, for a term of five years in accordance with the terms and conditions set by the Board, and may be eligible for reappointment for one additional term of five years; and
 - (b) have suitable academic qualifications and professional experience to be able satisfactorily to undertake the requirements of the position.
- (2) The Managing Director shall be charged with the day-to-day management and operation of the Institute.
- (3) The Managing Director shall perform his functions in relation to national statistical reporting independently of the control of any person or authority.
- (4) The Managing Director may be removed from office by the Board if he —
 - (a) is declared a bankrupt;
 - (b) is incapable of performing his duties under this Act;
 - (c) is guilty of gross misconduct;
 - (d) neglects his duties as Managing Director or is engaged in conduct that would bring the office of Managing Director into disrepute;
 - (e) is sentenced to a term of imprisonment;
 - (f) has been absent from three consecutive meetings of the Board without permission from the Board; or
 - (g) is in breach of confidentiality contrary to the oath of secrecy.

10. National Statistical Strategy.

- (1) The National Statistical Strategy shall be —
 - (a) established by the National Statistical Committee in collaboration with the Institute; and
 - (b) published on the official website of the Institute.
- (2) The National Statistical Strategy shall —

- (a) contain a national framework that addresses data limitation and challenges while integrating statistics into the national policy and planning processes for all sectors;
 - (b) provide a coordinating mechanism for the National Statistical System;
 - (c) ensure the mobilization and optimal use of resources; and
 - (d) develop an action plan to achieve the objective of the National Statistical Strategy.
- (3) The National Statistical Strategy shall be reviewed every three years by the National Statistical Committee.

11. National Statistical Committee.

- (1) The Board shall appoint a National Statistical Committee, which shall comprise —
- (a) the Managing Director who shall be the Chairperson;
 - (b) the Governor of the Central Bank of The Bahamas or his representative;
 - (c) the Director of Public Service or his representative;
 - (d) the Chief Medical Officer or his representative;
 - (e) the Director-General of Tourism or his representative;
 - (f) the Director of Education or his representative;
 - (g) the President of the University of The Bahamas or his representative;
 - (h) the Director of Social Services or his representative;
 - (i) the Director of Transformation and Digitization or his representative;
 - (j) a representative of civil society appointed by the Minister on the recommendation of the umbrella organization of civil society organizations in The Bahamas; and
 - (k) two representatives from Government ministries, departments and public bodies in the National Statistical System.
- (2) Any person appointed to the National Statistical Committee pursuant to subsection (1)(k) shall be appointed for a period of two years and no representative from a government ministry or department or any public body shall be eligible to serve on the National Statistical Committee for two consecutive two year terms.
- (3) The functions of the National Statistical Committee are —
- (a) to collaborate with the Institute to establish the National Statistical Strategy; and

- (b) advise the Institute of the priorities of the National Statistical System.
- (4) The National Statistical Committee may co-opt any one or more persons to attend any particular meeting of the Committee for the purpose of assisting or advising the Committee in any matter with which the Committee is dealing.
- (5) The National Statistical Committee —
 - (a) has the power to regulate its own proceedings; and
 - (b) shall meet at least once every quarter or at other times as may be necessary or expedient for the transaction of the functions of the National Statistical Committee.

12. Advisory Committees of the Institute.

The Managing Director may appoint advisory committees with members from within and outside the Institute for the purpose of advising on —

- (a) matters related to its functions; or
- (b) particular or special circumstances as they may arise.

STAFF AND RELATED MATTERS

13. Staff of the Institute.

The Institute shall employ persons as it considers necessary and on the terms and conditions as the Board determines.

14. Temporary staff of the Institute.

The Institute may employ, on a temporary basis, in the manner authorized by the Board, any area manager, supervisor, enumerator, interpreter, or other person to collect official statistics and any other information as the Managing Director determines useful and to carry out any other duties as determined by the Managing Director.

15. Options available to public officers.

- (1) This section applies to a person who, on the date of commencement of this Act is employed with the Department of Statistics —
 - (a) as a public officer; or
 - (b) as a contract officer, and has served at least three continuous years in a public office.

- (2) A person to whom this section applies shall, within twelve months from the date of the commencement of this Act, exercise one of the following options —
- (a) retire from the Public Service and receive the pension as provided under the Pensions Act (*Ch. 43*);
 - (b) make application for employment by the Institute on terms and conditions no less favourable than the terms and conditions enjoyed by him in the public service; or
 - (c) remain in the public service and be transferred to another ministry or department on terms and conditions which are commensurate to the office held by him in the former Department of Statistics immediately before the commencement of this Act.
- (3) Notwithstanding any other law, a person so retired under subsection (2) (a) may with the concurrence of the Board be re-engaged by the Institute without having to forego pension benefit payments eligible to public officers under the Pensions Act (*Ch. 43*).

16. Preservation and accrual of pension benefits.

The pension benefits under the Pensions Act (*Ch. 43*) that have accrued to a person who, within twelve months of the date of commencement of this Act, exercises the option under section 15(2)(b), shall be preserved at the date of his employment with the Institute.

17. Payment of pension benefits under pension fund.

- (1) The Institute shall, within six months of the commencement of this Act, establish a pension fund for the payment of pensions and gratuities to its employees who retire from the employment of the Institute.
- (2) The terms of the pension benefit shall be no less favourable than those of other public bodies.

18. Payment of pension benefits prior to establishment of a pension fund.

If an employee of the Institute who exercised the option referred to in section 15(2)(b) dies or retires prior to the establishment of the pension fund, the pension benefits payable to his estate shall be based on the salary paid to him by the Institute.

OFFICIAL STATISTICS

19. Taking of censuses and surveys.

- (1) The Institute shall, on or between the dates as specified by the Institute, by order, conduct in The Bahamas —
 - (a) a census of —
 - (i) the national population and housing; and
 - (ii) business; and
 - (b) a survey on —
 - (i) household expenditure; and
 - (ii) the labour force; and
 - (c) adhoc census and surveys.
- (2) An order made under subsection (1) shall specify —
 - (a) the dates on or between which the census or survey is to be taken;
 - (b) the persons by whom and with respect to whom the returns for the purpose of the census or survey are to be made; and
 - (c) the matters in respect of which information is to be obtained in the census or survey.
- (3) A census conducted under subsection (1)(a) shall, as far as practicable, be taken at ten-year intervals or any other time as the Institute may determine.

20. Collection and publication of official statistics.

- (1) Subject to the provisions of this Act, the Managing Director shall collect from time to time, whether in conjunction with any census or not, official statistics either in The Bahamas generally or in any part of The Bahamas.
- (2) The Managing Director shall cause the official statistics collected under this Act to be compiled, tabulated and analysed.
- (3) Subject to the provisions of this Act, the Managing Director may cause the official statistics or abstracts and anonymized microdata to be published, with or without comments, electronically on the official website of the Institute or in any other manner as the Managing Director may determine.

21. Official statistics must comply with international principles and standards.

All official statistics shall be developed, produced and disseminated in accordance with —

- (a) the United Nations Fundamental Principles of Statistics as set out in Part A of the *Third Schedule*;
- (b) the CARICOM Statistics Code of Practice for Member States and Associate States as set out in Part B of the *Third Schedule*; and
- (c) other international statistical standards, other international statistical classifications, and other international statistical recommendations as may be adopted by the Institute from time to time.

22. Power of Managing Director to obtain information.

- (1) Where any census is being conducted or any other statistics are being collected in accordance with this Act, the Managing Director or any person authorized by him may, by notice, require any person to provide any —
 - (a) periodical or other information, estimates or returns in the form and manner and within the time as may be specified; and
 - (b) information in respect of any of the matters specified in the *First Schedule*.
- (2) A notice under subsection (1) may require any person to provide particulars —
 - (a) by attending a personal interview;
 - (b) by telephone or electronic transmission; or
 - (c) in relation to a notice that is hand delivered to the last known address of the person, by filling out a form to the best of that person's knowledge and belief and returning the form in the manner and within the time specified in the notice.
- (3) A notice under subsection (1) shall —
 - (a) specify —
 - (i) the purpose for which the information, estimates or returns are required;
 - (ii) the authority by which the Managing Director is authorized to obtain the information; and
 - (iii) where applicable, the class of undertakings in relation to which information, estimates or returns are required; and
 - (b) be published —
 - (i) in the *Gazette*;
 - (ii) in one or more daily newspapers in general circulation in The Bahamas; and
 - (iii) on the official website of the Institute.

- (4) A person who has the custody or charge of any public records or documents of any government ministry or department or any public body shall grant the Institute access to the records or documents for the purpose of obtaining the information, if, in the opinion of the Institute, the information —
- (a) is sought in furtherance of the purposes of this Act can be obtained from the records or documents; or
 - (b) would aid in the completion or correction of information already obtained.
- (5) Nothing contained in this Act shall —
- (a) affect or be deemed to affect any law relating to the disclosure or non-disclosure of any secret or confidential information, evidence or document, and any person required by the Institute to supply any information, give any evidence, or to produce any document shall, if applicable, be entitled in respect of the information, evidence or document to refuse to disclose or produce it based on the grounds of legal professional privilege in court proceedings; and
 - (b) be deemed to make it lawful for the Institute to require a banker to disclose particulars relating to the banking accounts of any individual or company or undertaking, or to require of any person providing professional services the disclosure of information concerning the business or personal affairs of individual clients of a person.
- (6) A person shall not be required to supply any information under this Act which involves the disclosure of any technical process or trade secret in, or relating to the undertaking of which he is the owner or in the conduct or supervision of which he is engaged.

23. Power of the Institute to access data and information.

Notwithstanding any other written law, the Institute shall be granted access to all records, documents, returns and certificates, whether individual or corporate, in the control of all government ministries, departments and public bodies from which information is sought in furtherance of the purposes of this Act.

24. Appeal.

A person who is aggrieved by any request of the Institute under this Act, may, upon giving notice in writing to the Institute within twenty-eight days of the date of the request, appeal to the Supreme Court against the request.

25. Prohibition against disclosure of information.

Subject to the provisions of this Act —

- (a) no person, other than a person who is employed under this Act and who has taken the oath of secrecy under section 32, shall be permitted to examine any information provided to the Institute under this Act; and
- (b) no person shall disclose or knowingly cause to be disclosed, by any means, any information relating to any person that is obtained by the Institute under this Act.

26. Exceptions to prohibition against disclosure of information.

- (1) The Managing Director may authorize the disclosure of—
 - (a) information relating to a person in respect of which disclosure is consented to in writing;
 - (b) information relating to any public carrier or public utility;
 - (c) information obtained for statistical purposes in the form of an index or list of individuals, firms, partnerships, associations, unincorporated bodies, companies, or corporations specifying —
 - (i) their names, addresses and telephone numbers;
 - (ii) the goods they produce, manufacture, process, transport, store, purchase or sell;
 - (iii) the services they provide in the course of their business;
 - (iv) the specific ranges of numbers of employees;
 - (d) information relating to any hospital, mental institution, educational institution, social and human services agencies, correctional institution, or similar commercial institution, except the particulars arranged in a manner that makes it impossible to relate those particulars to any individual;
 - (e) information available to the public under any other law;
 - (f) anonymized microdata for the purpose of research;
 - (g) information available in the public domain; or
 - (h) information for the purposes of a prosecution under this Act.
- (2) For the purposes of this section —
 - “**public carrier**” means any person or association of persons that owns, operates, or manages an entity that carries or moves persons, goods or commodities by land, sea or air transport;
 - “**public utility**” means any person or association of persons that owns, operates, or manages an entity —
 - (a) for the supply, transmission or distribution of electricity or water;
 - (b) for the collection and disposal of garbage or sewerage, or for the control of pollution; or

- (c) for the transmission, emission, reception or conveyance of information by any communications system.

27. Power of entry.

- (1) The Managing Director, or any authorized person, may upon production of his authorization, for any purpose —
 - (a) connected with the taking of a census and any other household survey, visit, and with the consent of the occupier, enter any dwelling house between the hours of 7 a.m. and 10 p.m. on any day; or
 - (b) connected with the taking of any survey or the collection of labour statistics, visit and with the consent of the occupier enter, between the hours of 7:00 a.m. and 6:00 p.m. on any day, any premises where persons are employed.
- (2) The authority to visit or with the consent to enter premises for any purpose connected with the collection of labour statistics may be exercised only if no returns or inadequate returns have been furnished to the Managing- Director in respect of those premises or if the Managing-Director is in doubt whether or not any persons are in fact employed in those premises, and in either case may make enquiries as may be deemed necessary for the performance of his functions.
- (3) If an owner or occupier of premises refuses to permit entry to an authorized person, a Magistrate may issue a warrant authorizing the authorized person to enter premises for the purposes of collecting information or data upon —
 - (a) the application of that authorized person; and
 - (b) being satisfied that there are reasonable grounds for believing that the refusal of the owner or occupier to permit entry to the authorized person is unreasonable.
- (4) The application for a warrant pursuant to sub-section (3) shall be served on the owner or occupier of the premises at least seven days before the hearing of the application and the Magistrate shall enable the owner or occupier of the premises to be heard on the application.
- (5) A warrant issued under subsection (3) does not authorize entry before 7:00 a.m. or after 10:00 p.m. unless it is expressly stated in the warrant.
- (6) An authorized person may, upon exercising his power of entry under this section, make enquiries as he may deem necessary for the performance of his duties under this Act.

FINANCIAL PROVISIONS

28. Funds of the Institute.

The funds of the Institute shall consist of —

- (a) any monies appropriated by Parliament;
- (b) any fees and charges collected by the Institute; and
- (c) any monies derived from any fine payable under section 37.

29. Establishment of a pension fund by the Institute.

The Institute shall establish a pension fund within six months from the date of commencement of this Act.

30. Annual budget.

- (1) The Institute shall make annual or periodic budget estimations in respect of its activities in the form as the Minister may with approval of the Minister of Finance direct.
- (2) The Institute shall submit its annual budget to the Board for approval, and submit the annual budget to the Minister on or before the first day of March of each year, or at any other time as the Minister may so direct.

31. Accounts and audit.

- (1) The Institute shall —
 - (a) cause to be kept proper accounts and other records of receipts, payments, assets and liabilities of the Institute; and
 - (b) cause to be prepared in respect of each financial year, a statement of accounts of the Institute in a form that complies with the best international accounting and financial standards.
- (2) The accounts of the Institute shall be audited annually, before 30th April of each year, by an independent auditor appointed by the Board.
- (3) The Minister shall cause to be laid before each House of Parliament before 30th September of each year, a copy of the statement of accounts referred to in subsection (1)(b) and a copy of the report of the auditor prepared pursuant to subsection (2).

GENERAL

32. Annual report of the Institute.

- (1) The Institute shall, before 30th June in each year, prepare an annual report reviewing the work of the Institute and submit the report to the Minister.
- (2) The Minister shall lay or cause to be laid before both Houses of Parliament before 30th September of each year a copy of the annual report of the Institute.

33. Oath of secrecy.

- (1) Every person employed in the exercise of any power or performance of any duty under this Act involving the collection of information from any other person shall, before commencing his functions, take an oath of secrecy in the form set out in the *Fourth Schedule* before —
 - (a) a stipendiary and circuit magistrate; or
 - (b) a person duly authorized to take an oath.
- (2) A person who breaches the oath of secrecy referred to under subsection (1) commits an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding one year, or to both.

PART III – MISCELLANEOUS

34. Confidentiality.

- (1) No person employed in the execution of this Act shall disclose any statistics collected by the Institute to any third party, except in accordance with the provisions of this Act.
- (2) Official statistics compiled under this Act shall not be published or disseminated in a manner which permits the identification of a specific person, business or other entity, unless that person, business or entity —
 - (a) has consented to the publication or dissemination in that manner; or
 - (b) the information is already in the public domain.

35. General offences.

- (1) Any person who is employed in the execution of any duty under this Act commits an offence if that person —

- (a) by virtue of his employment, becomes possessed of any information which might exert an influence upon or affect the market value of any share, interest, product or article and directly or indirectly uses the information for personal gain prior to the publication of the information;
 - (b) without lawful authority publishes or communicates to any person, otherwise than in the ordinary course of employment, any information acquired by him in the course of his employment;
 - (c) knowingly compiles or issues any false statistics or information; or
 - (d) knowingly destroys or mutilates any document or suppresses any statistics without lawful authority.
- (2) Any person convicted of an offence under subsection (1) is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year, or to both fine and imprisonment.
- (3) Any person who being in possession of any information which to his knowledge has been disclosed in contravention of this Act, makes use of or publishes or communicates the information to any person commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year, or to both fine and imprisonment.
- (4) Any person who —
- (a) hinders or obstructs an authorized person in the execution of any powers under this Act;
 - (b) refuses or neglects —
 - (i) to fill out and supply the particulars required in any return, form or other document under this Act;
 - (ii) to answer any questions or inquiries lawfully asked of him under the authority of this Act; or
 - (iii) to comply with the requirement of any notice issued by the Managing Director; or
 - (c) knowingly makes in any return, form or document, filled out or supplied under this Act or in any answer to any question or inquiry asked of him under the authority of this Act, any statement which is false or misleading in any material particular, or knowingly and wilfully makes frivolous, indecent or derogatory remarks on any return, form or other document under this Act,
- commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year, or to both fine and imprisonment.

- (5) Any person who —
 - (a) not being an employee of the Institute —
 - (i) represents himself as an officer of the Institute; or
 - (ii) makes an inquiry under the authority of this Act;
 - (b) having the custody or charge of any documents or records maintained by any Government ministry or department, any public body, corporation, business or organisation —
 - (i) from which information sought in respect of the objects of this Act can be obtained; or
 - (ii) that would aid in the completion or correction of the information; and

knowingly or wilfully refuses or neglects to grant access to documents or records to any employee of the Institute or any authorized person for any purpose requested by the Managing Director, commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year or to both fine and imprisonment.

36. Offence of unlawful exercise of statutory functions.

- (1) Any person employed in the execution of any duty under this Act who —
 - (a) under the pretence of performing his functions as an employee of the Institute, obtains or attempts to obtain from a person or undertaking, any information which he is not lawfully entitled to obtain from that person or undertaking;
 - (b) abandons his duties, or wilfully makes any false declaration, statement or return in the performance of his duties; or
 - (c) wilfully fails to return to the Institute any equipment, or document or record collected from a person or undertaking under this Act, or fails to keep any equipment, or document or record containing any information collected under this Act in his custody in the manner as to ensure that unauthorized persons do not have access thereto,commits an offence.
- (2) Any person who commits an offence under subsection (1) is liable upon summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year, or to both fine and imprisonment.

37. Offences by directors and officers.

- (1) Any director or officer of a body corporate who gives a false or misleading answer to a statistical inquiry under this Act commits an offence.
- (2) Any officer, director or agent of a body corporate who directed or authorized, assented to, or participated in the commission of an offence under subsection (1) commits an offence.
- (3) Any officer, director or agent of a body corporate who commits an offence under subsection (1) or subsection (2), is liable upon summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding one year, or to both fine and imprisonment.
- (4) Any director or officer of a body corporate who, with respect to a business survey, refuses or neglects —
 - (a) to fill out and supply the particulars required in the survey;
 - (b) to answer any questions or inquiries lawfully asked of him under the authority of this Act; or
 - (c) to comply with the requirement of any notice issued by the Institute,

commits an offence and is liable upon summary conviction to a fine not exceeding ten thousand dollars and in the case of a continuing offence, to a fine not exceeding five hundred dollars for each day, or part of a day, during which the offence continues.

38. Compounding offences.

- (1) Subject to subsection (2), the Managing Director may, where he is satisfied that a person has committed any offence under this Act, in respect of which a fine is provided, compound the offence and order the person to pay a sum of money, not exceeding the amount of the fine to which the person would be liable, if he were convicted of the offence.
- (2) The Managing Director shall not exercise his powers under subsection (1) unless the person who has committed an offence under this Act admits in writing that he has committed the offence and requests the Managing Director to deal with the offence under this section.
- (3) Where the Managing Director makes an order under this section, he shall put the order in writing, specifying the offence and the penalty, and attach to the order the written request made by the person to the Managing Director to deal with the matter.
- (4) Where a person commits an offence under subsection (4) of section 35, the Managing Director shall specify the time for the person to comply with the requirements of the notice issued by the Institute.

- (5) The order made by the Managing Director may be enforced in the same manner as an order of the court.
- (6) The order shall be published in the Gazette or in any other daily newspaper in general circulation throughout The Bahamas.
- (7) The person who requests the Managing Director to compound the offence, shall not be liable to any further prosecution in respect of the offence.

39. Amendment of the First and Third Schedules.

The Minister may, by Order, amend the *First* and *Third Schedules* to this Act.

40. Regulations.

- (1) The Minister may, based on the recommendations of the Board, make Regulations for the carrying out of the objectives of this Act, and, the Regulations may —
 - (a) prescribe the particulars and information to be furnished on the taking of a census or in relation to any matter in respect of which statistics may be collected;
 - (b) prescribe the manner and form in which, the times and places at which, and the persons by whom the particulars and information shall be furnished; or
 - (c) prescribe the fees and charges to be paid to the Institute for any information, any report or service, or any survey carried out by the Institute for an individual, firm, partnership, unincorporated body, company or corporation.
- (2) Any regulations made under this section may provide that the contravention of any regulation constitutes an offence and may prescribe penalties for any offence not exceeding a fine of ten thousand dollars and imprisonment not exceeding two years.

41. Transitional.

- (1) On the date of the commencement of this Act, the person holding the office of the Director under the repealed Statistics Act (*Ch. 33*), shall hold the office of the Managing Director of the Institute in an acting capacity until the Board appoints a person to hold the office.
- (2) Upon the date of the commencement of this Act, every person who is employed as a public officer or a contract officer at the Department of Statistics under the repealed Statistics Act (*Ch. 33*), shall continue to be employed at, and hold office at the Institute for a period of twelve months unless he exercises any of the options set out in section 15(2) prior to twelve months after the commencement of the Act.

42. Savings.

Notwithstanding the repeal of the Statistics Act (*Ch. 33*) —

- (a) any action in respect of statistics which commenced prior to the commencement of this Act shall proceed as if the former Act continues to have effect, and any reference to the Department of Statistics or the Director shall be construed as a reference to the Institute or the Managing Director, as the context requires; and
- (b) any statistical proceeding that is in force upon the commencement of this Act shall be deemed to be in conformity with this Act, and, for the purpose of this Act, shall be deemed valid to the extent that the proceeding would have been valid prior to the commencement of this Act.

43. Repeal of Ch. 33.

The Statistics Act (*Ch. 33*) is repealed.

44. Act binds Crown.

This Act binds the Crown.

45. Consequential amendment to the Business Licence Act (No. 25 of 2010).

The Business Licence Act 2010 (*No. 25 of 2010*) is amended in section 7 by the insertion immediately after subsection (1), the new subsection (1A) as follows

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- “(1A) The Secretary may, where an applicant or licensee has contravened section 34(4) of the Statistics Act 2021 (*No. of 2021*), suspend a licence issued under this Act or impose restrictions and conditions on a licence.”.

FIRST SCHEDULE (Sections 2, 6, 22 and 39)

**THE CLASSIFICATION OF OFFICIAL STATISTICS IS ADOPTED FROM
THE UNITED NATIONS CLASSIFICATION OF INTERNATIONAL
STATISTICS BASED ON THE 2009 VERSION OF THE DATABASE OF
INTERNATIONAL ACTIVITIES (DISA) IN THE UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPEAN REGION: CLASSIFICATION
OF STATISTICAL ACTIVITIES (CSA REV.1)**

OFFICIAL STATISTICS

DOMAIN 1: Demographic and Social Statistics

- (a) Population
- (b) Migration and Citizenship
- (c) Families and Households
- (d) Labour and Time Use
- (e) Education
- (f) Health
- (g) Income and consumption
- (h) Social protection
- (i) Human settlements and housing
- (j) Justice and crime
- (k) Culture
- (l) Political and other community activities

DOMAIN 2: Economic Statistics

- (a) Macroeconomic statistics
- (b) Economic accounts
- (c) Business statistics
- (d) Sectoral statistics
 - (i) Agriculture, forestry and fisheries
 - (ii) Energy
 - (iii) Mining, manufacturing and construction
 - (iv) Transport
 - (v) Tourism
 - (vi) Banking, insurance and financial statistics

- (vii) Creative Industries Statistics
- (e) Government finance, fiscal and public sector statistics
- (f) International trade and balance of payments
- (g) Prices
- (h) Labour cost
- (i) Science, technology and innovation

DOMAIN 3: Environment and Multi-domain Statistics

- (a) Environment
- (b) Regional and small area statistics
- (c) Multi-domain statistics and indicators
 - (i) Living conditions, poverty and cross-cutting social issues
 - (ii) Gender and special population groups
 - (iii) Information society
 - (iv) Globalization
 - (v) Indicators related to the Sustainable Development Goals
 - (vi) Sustainable development
 - (vii) Entrepreneurship
- (d) Yearbooks and similar compendia

DOMAIN 4: Methodology of data collection, processing, dissemination and analysis

- (a) Metadata
- (b) Classifications
- (c) Data sources
 - (i) Population and housing censuses; registers of population, dwellings and buildings
 - (ii) Business and agricultural censuses and registers
 - (iii) Household surveys
 - (iv) Business and agricultural surveys
 - (v) Administrative data sources
- (d) Data editing and data linkage
- (e) Dissemination, data warehousing

- (f) Statistical confidentiality and disclosure protection
- (g) Data analysis

DOMAIN 5: Strategic and managerial issues of official statistics

- (a) Institutional frameworks and principles; role and organization of official statistics
- (b) Statistical programs; coordination within statistical systems
- (c) Quality frameworks and measurement of performance of statistical systems and offices
- (d) Management and development of human resources
- (e) Management and development of technological resources (including standards for electronic data exchange and data sharing)
- (f) Coordination of international statistical work
- (g) Technical cooperation and capacity building

SECOND SCHEDULE (Section 7)**CONSTITUTION AND PROCEDURE OF THE BOARD****1. Composition.**

- (1) The Board shall consist of eleven members, appointed by the Governor-General on the advice of the Prime Minister as follows —
 - (a) one representative of the Labour Union representing the public service;
 - (b) one representative from civil society recommended by the umbrella organization of civil society organizations in The Bahamas;
 - (c) the Chairman of The Bahamas Chamber of Commerce and Employers Federation or his delegate;
 - (d) one representative from the University of The Bahamas;
 - (e) one representative from another tertiary level academic institution;
 - (f) one member recommended by the Minister;
 - (g) the Managing Director, *ex officio*;
 - (h) the Governor of the Central Bank of The Bahamas or his delegate; and
 - (i) three other heads of Government ministries, departments or public bodies within the National Statistical System, *ex officio*.
- (2) The member of the Board recommended by the Minister shall hold office for a period not exceeding two years, and shall be eligible for reappointment for one additional term of two years.
- (3) The Governor-General shall appoint one member of the Board to be the Chairman and another member to be the Deputy Chairman of The Board.
- (4) The Board shall appoint a secretary from among the staff of the Institute.

2. Temporary appointments.

- (1) Where membership of the Board is by virtue of an office and the holder of the office is absent or unable to act, then, the person acting in the office shall be a member of the Board for as long as that person so acts.
- (2) If the member appointed pursuant to paragraph 1(1)(f), is unable at any time by reason of illness, other incapacity or absence from The Bahamas, to perform the duties of that member's position, or if the position of the member is at any time vacant, the Minister may recommend a temporary

appointment of a qualified person to act in that member's place or in the position on the terms and conditions and for the time as the Minister may determine.

3. Resignation of a member of the Board.

- (1) A member of the Board, other than the Chairman, may at any time resign his office by letter in writing addressed to the Minister and transmitted through the Chairman, and from the date of receipt by the Minister of the letter the member shall cease to be a member of the Board.
- (2) The Chairman may at any time resign his office by letter in writing addressed to the Minister, and the resignation shall take effect as from the date of receipt by the Minister of the letter.

4. Revocation of appointment.

The Minister may, by Order, revoke the appointment of any appointed member, if the Minister is satisfied that the member —

- (a) has been absent from three consecutive meetings of the Board without the permission of the Board;
- (b) is declared a bankrupt;
- (c) is incapacitated by physical or mental illness;
- (d) is sentenced to a term of imprisonment; or
- (e) is otherwise unable or unfit to discharge the functions of a member of the Board.

5. Remuneration.

There shall be paid to the members of the Board remuneration, if any, as the Minister may determine.

6. Committees.

- (1) The Board may establish committees as it may think fit and may delegate to any committee the power and authority to carry out on its behalf the duties as the Board may determine.
- (2) The constitution of each committee shall be determined by the Board.
- (3) Any committee so established shall meet quarterly to report on matters relating to its functions.

7. Gazetting of appointments.

The appointment, resignation or revocation of appointment of members of the Board shall be published in the *Gazette*.

8. Seal.

- (1) The seal of the Institute shall be kept in the custody of the secretary to the Board or by an officer of the Institute authorized by the Chairman.
- (2) The seal shall be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman, or any member authorized to act in that behalf, and the Secretary.
- (3) The seal shall be authenticated by the signature of the Secretary.

9. Proceedings and meetings of the Board.

- (1) The Board shall meet at least once every quarter or at other times as may be necessary or expedient for the transaction of business, and its meetings shall be held at the places and times and on the days as the Board may determine.
- (2) Extraordinary meetings of the Board shall be convened by the Chairman when necessary and only on the written request of at least two members of the Board.
- (3) The Chairman, or in his absence, the Deputy Chairman, shall preside at all meetings of the Board.
- (4) The quorum of the Board shall be eight members.
- (5) The decision of the Board shall be by a majority of votes and in addition to an original vote, in any case in which the voting is equal the Chairman or Deputy Chairman presiding at the meeting shall have a casting vote.
- (6) The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
- (7) The Board may regulate its own proceedings.

10. Invitation of non-members to meeting.

The Board may invite a person who, in the opinion of the Board, has expert knowledge concerning any of the functions of the Board, which is likely to be of assistance to attend any meeting of the Board and to take part in the proceedings.

11. Minutes.

- (1) The minutes, in proper form, of each meeting shall be kept by the secretary.
- (2) All decisions, resolutions and rules made by the Board with respect to the operation of the Institute shall be recorded in the minutes.

- (3) The minutes of a meeting of the Board shall be confirmed by the Board at its next meeting.

12. Conflict of interest.

- (1) A member of the Board shall not vote on or speak to a matter before the Board if —
 - (a) the member has an interest in the matter, distinct from an interest arising from his or her functions as a member;
 - (b) the member has a direct or indirect pecuniary interest in the matter;
 - (c) a parent, spouse, sibling or child of the member has an interest in the matter; or
 - (d) the member is an officer, employee or agent of a corporation or an unincorporated association, or other association of persons that has an interest in the matter.
- (2) Where a member is in a conflict of interest, the member shall disclose to the Board the nature and extent of the interest either in writing or by requesting to have it entered in the minutes of the meeting of the Board.
- (3) A member shall disclose a conflict of interest —
 - (a) at the meeting where the matter giving rise to the conflict of interest is considered; or
 - (b) if the member is not in a conflict of interest at the time mentioned in paragraph (a), at the first meeting that is held after the conflict arises.

13. Indemnity.

- (1) Subject to subparagraph (2), no action, prosecution or other proceedings shall be brought or instituted personally against the Chairman or any other member in respect of any act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.
- (2) Where any member is exempt from liability by reason only of subparagraph (1), the Institute shall be liable to the extent that it would be if that member were a servant or agent of the Institute, however, if in any case, the Institute is not liable for any of the acts, then subparagraph (1) does not operate to exempt the member as stated.

THIRD SCHEDULE (Sections 21 and 39)

PRINCIPLES OF OFFICIAL STATISTICS

PART A: FUNDAMENTAL PRINCIPLES OF OFFICIAL STATISTICS

**(ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY ON 29
JANUARY 2014)**

- Principle 1: Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and Environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.
- Principle 2: To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.
- Principle 3: To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.
- Principle 4: The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.
- Principle 5: Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.
- Principle 6: Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.
- Principle 7: The laws, regulations and measures under which the statistical systems operate are to be made public.
- Principle 8: Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.

Principle 9: The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.

Principle 10: Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

PART B: CARICOM STATISTICS CODE OF PRACTICE

Principle 1: PROFESSIONAL INDEPENDENCE

The professional independence of statistical authorities from other policy, regulatory or administrative departments and bodies, as well as from private sector operators, ensures the credibility of official statistics.

Principle 2: MANDATE FOR DATA COLLECTION

Statistical authorities must have a clear legal mandate to collect information for official statistical purposes. Administrations, enterprises and households, and the public at large may be compelled by law to allow access to or deliver data for official statistical purposes at the request of statistical authorities.

Principle 3: ADEQUACY OF RESOURCES

The resources available to statistical authorities must be sufficient to meet official statistics requirements.

Principle 4: QUALITY COMMITMENT

Member States commit themselves to work and cooperate according to the Data Quality Assessment Framework (DQAF) of the International Monetary Fund (IMF).

Principle 5: STATISTICAL CONFIDENTIALITY

The privacy of data providers (households, enterprises, administrations and other respondents), the confidentiality of the information they provide and its use only for statistical purposes must be absolutely guaranteed.

Principle 6: IMPARTIALITY AND OBJECTIVITY

Statistical authorities must produce and disseminate official statistics respecting scientific independence and in an objective, professional and transparent manner in which all users are treated equitably.

Principle 7: SOUND METHODOLOGY

Sound methodology must underpin quality statistics. This requires adequate tools, procedures and expertise.

Principle 8: APPROPRIATE STATISTICAL PROCEDURES

Appropriate statistical procedures, implemented from data collection to data validation, must underpin quality statistics.

Principle 9: NON-EXCESSIVE BURDEN ON RESPONDENTS

The reporting burden should be proportionate to the needs of the users and should not be excessive for respondents. The statistical authority monitors the response burden and sets targets for its reduction over time.

Principle 10: COST EFFECTIVENESS

Resources must be effectively used.

Principle 11: RELEVANCE

Official statistics must meet the needs of users.

Principle 12: ACCURACY AND RELIABILITY

Official Statistics must accurately and reliably portray reality.

Principle 13: TIMELINESS AND PUNCTUALITY

Official statistics must be disseminated in a timely and punctual manner.

Principle 14: COHERENCE AND COMPARABILITY

Official Statistics should be consistent internally, over time and comparable between regions and countries; it should be possible to combine and make joint use of related data from different sources.

Principle 15: ACCESSIBILITY AND CLARITY

Official statistics should be presented in a clear and understandable form, disseminated in a suitable and convenient manner, available and accessible on an impartial basis with supporting metadata and guidance.

FOURTH SCHEDULE (Section 33)

OATH OF SECRECY

I do solemnly swear/affirm that I will
faithfully and honestly fulfil my duties as
..... in conformity with the
requirements of the Statistics Act 2021 (*No. of 2021*) and that I will not, without due
authority in that behalf, disclose or make known any matter or thing which comes to
my knowledge by reason of my employment,

Sworn or affirmed at:

Signature of Declarant:

Before me:

Date:

OBJECTS AND REASONS

The Statistics Bill, 2021 (“the Bill”), makes provision for the following —

- (a) repeal the Statistics Act, 1973 (No. 22 of 1973);
- (b) to establish —
 - (i) The Bahamas National Statistical Institute; and
 - (ii) The Bahamas National Statistical Institute Board;
- (c) to make provision for a National Statistical System to facilitate the establishment of standards for collecting, compiling, analyzing and publishing official statistics; and
- (d) for related purposes.

The Bill is comprised of three parts, six subparts, 45 clauses and four schedules.

Part I of the Bill headed “PRELIMINARY”, is comprised of Clauses 1 through 4, respectively make provision for the Short title and commencement, Interpretation, Purpose of the Bill and the National Statistical System.

Part II of the Bill headed “THE BAHAMAS NATIONAL STATISTICAL INSTITUTE”, which is comprised of six subparts and Clauses 5 through 33, respectively make provision for Subpart 1: the establishment of The Bahamas National Statistical Institute (“the Institute”), the functions of the Institute, Subpart 2: Management, Administration and related matters comprising of clauses 7 to 12 which make provision for the establishment of The Bahamas National Statistical Institute Board, functions of the Board, appointment of Managing Director, National Statistical Strategy, National Statistical Committee, Advisory Committee of the Institute; Subpart 3: Staff and Related matters comprising of clauses 13 to 18 which make provision for staff of the Institute, temporary staff of the Institute, options available to public officers, preservation and accrual of pension benefits, payment of pension benefits prior to the establishment of a pension fund and payment of pension benefits under the pension fund. Subpart 4: Official Statistics comprising of clauses 19 to 27 which make provision for taking of censuses and surveys, collection and publication of official statistics, official statistics which must comply with international principles and standards, power of Managing Director to obtain information, power of the Institute to access data and information, appeal, prohibition against disclosure of information, exceptions to prohibition against disclosure of information and power of entry. Subpart 5: Financial provisions comprising of clauses 28 to 31 which make provision for Funds of the Institute, the Establishment of a pension fund by the Institute, Annual Budget and Accounts and audit. Subpart 6: General comprising of clauses 32 and 33 which provision for the Annual report of the Institute and the Oath of secrecy.

Part III of the Bill headed “MISCELLANEOUS” which is comprised of Clauses 34 to 45, respectively make provision for Confidentiality to be kept by any person employed by the Institute in the execution of this Act, General offences, offence of unlawful exercise of statutory functions, offences by directors and officers, compounding offences, the amendment of the First and Third Schedules, power of the Minister, based on the recommendations of the Board, to make Regulations for the carrying out of the objectives of this Act, transitional and savings provisions, the repeal of the Statistics Act 1973 (*No. 22 of 1973*), the Act binds the Crown and consequential amendment to the Business Licence Act 2010 (*No. 25 of 2010*).