

THE STATISTICS ACT, 2002

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SCHEDULES

An Act to make better provision in relation to the functions and powers of the National Bureau of Statistics with respect to collection, compilation, analysis and publication of statistical information on economic, social and cultural activities; to conduct census and to provide for consequential matters.

[20th July, 2002]

[G.N. No. 381 of 2002]

Act No. 1 of 2002

PART I
PRELIMINARY PROVISIONS (ss 1-3)

1. Short title
This Act may be cited as the Statistics Act.
2. Application
This Act shall apply to Tanzania Mainland in all matters specified in the Second Schedule and shall apply to Tanzania Zanzibar in respect of census on population and housing.
3. Interpretation
In this Act, unless the context requires otherwise—
"authorised officer" means a person appointed as such under section 12;
"Board" means the Ministerial Advisory Board;
"census" means a census of population and housing;
"Director-General" means the Chief Executive of the National Bureau of Statistics appointed under section 9(1);
"Minister" means the Minister responsible for statistics;
"respondent" means any person who supplies or is required to supply statistical information;
"return" 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 this Act;
"sampling" means a statistical procedure by which information relating to a whole field of inquiring is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or undertakings concerned in the field of inquiry;
"statistics" means information in connection with, or incidental to, any census or all or any of the matters specified in the Second Schedule;

"survey" includes a survey of undertakings or persons whereby information is collected from all persons in a field of inquiry or from a sample thereof, wholly or primarily for statistical purpose;

"undertaking" means any undertaking by way of a trade or business whether or not the trade or business is carried out for profit, and includes a Ministry or Government Department, statutory body, local government body, and any other form of organization or body of persons or any part thereof and includes a branch of an undertaking.

PART II

THE NATIONAL BUREAU OF STATISTICS (ss 4-5)

4. Continuation of the Bureau

- (1) There shall continue to exist the National Bureau of Statistics also to be known by its acronym the Bureau.
- (2) The National Bureau of Statistics shall be a public office authoritative in relation to collection, compilation, analysis and publication of statistical information on economic, social and cultural activities.
- (3) The National Bureau of Statistics shall be responsible for organisation of a scheme of economic and social statistics with a view to co-ordinate and disseminate such statistical information.

5. Functions of the Bureau

- (1) The functions of the National Bureau of Statistics shall be—
 - a) to take any census in the United Republic of Tanzania;
 - b) to draw up an overall national statistics plan for official statistics and keep it under continuous review;
 - c) to establish statistical standards and ensure their use by all producers of official statistics so as among other things to facilitate the integration and comparison of the statistics produced both nationally and internationally;
 - d) to co-ordinate statistical activities in the country so as—
 - i) to avoid duplication of efforts in the production of statistics;
 - ii) to ensure optimal utilisation of available resources;
 - iii) to reduce the burden on respondents for providing statistical data;
 - iv) to ensure uniform standards of statistical data;
 - e) to collect, compile, analyse and disseminate statistics and related information;
 - f) to maintain an inventory of all available official statistics in the country;
 - g) to assist users in obtaining international statistics;
 - h) to provide statistical services and professional assistance to official bodies and the public at large;
 - i) to act as a contact point for international organisations and foreign institutions in need of statistics on matters relating to Tanzania.
- (2) The National Bureau of Statistics shall before performing functions which extend to Tanzania Zanzibar be required to make consultation with the office of the Government Statistician Zanzibar.

PART III
MINISTERIAL ADVISORY BOARD (ss 6-13)

6. Establishment of the Board
 - (1) There shall be a Ministerial Advisory Board, hereinafter referred to as the Board, whose members shall be appointed by the Minister.
 - (2) The Board shall consist of the Permanent Secretary of the Ministry responsible for statistics who shall be the chairman and not more than eight other members.
 - (3) In appointing other members of the Board, the Minister shall ensure that the persons to be appointed possess the necessary qualifications, expertise and experience on matters related to statistics and economic planning and the need to include in its membership persons who are not in the public service and persons who are representative of the interests of the Bureau's clients.
 - (4) The Board may, wherever necessary invite any person to provide specific expertise during its meeting, but such invited person shall not have the right to vote.

7. Functions of the Board

The functions of the Board shall be to give advice to the Minister on the adequacy of the Bureau's plan and performance of day to day functions regarding set targets and the carrying out of policy priorities on matters such as—

 - (a) the development and maintenance of a strategic framework;
 - (b) setting the objectives of the Bureau;
 - (c) the setting of priorities and annual performance targets for the Bureau;
 - (d) the acceptability of the annual reports and accounts;
 - (e) the evaluation of the Bureau's performance; and
 - (f) any other matter provided under any written law.

8. Role of Permanent Secretary

The Permanent Secretary shall be responsible for the strategic management of the Bureau, due regard being had on the need to uphold the Bureau's functioning as an executive agency of the Government.

9. Director-General of the Bureau
 - (1) There shall be a Director-General of the National Bureau of Statistics appointed on a competitive basis by the Minister upon recommendations of the Board.
 - (2) The Director-General shall be the chief executive officer responsible for the day to day management of affairs of the Bureau including funds, property and business of the Bureau and for the administration, organisation and control of the staff.
 - (3) The Director-General shall be an ex-officio member of the Board.

10. Other staff

Subject to laws relating to recruitment, the Director-General shall engage such other officers and employees as he may consider necessary or desirable for the efficient and effective exercise of powers and the discharge or performance of the functions of the Bureau.

11. Oath of Secrecy
 - (1) Every person employed in the execution of any duty under this Act shall, before assuming duties, make and subscribe before a commissioner for oaths an oath or affirmation in the manner and form set out in the First Schedule.
 - (2) In the case of a person employed as an enumerator in a census of population it shall be sufficient if he makes in Swahili or English language and delivers or transmits to an authorized officer a written declaration in the manner and form set out in the First Schedule.

12. Authorised officers

The Director-General may, in writing, designate on temporary terms, additional persons to the staff of the Bureau as authorised officers for the purpose of collecting specific statistical information under this Act in such terms and conditions as he may determine.

13. Exemption from liability

No act done by any member of the Board or by officer or employee of the Bureau if done or omitted to be done in good faith in the exercise or performance exercise or purported exercise or performance of his duties or functions as a Member or as an officer or employee of the Bureau shall subject to member, employer or officer to any action, liability or demand of any kind.

PART IV

COLLECTION AND DISSEMINATION OF STATISTICAL INFORMATION (ss 14-26)

14. The decennial population census
 - (1) The President may, by Order direct a population census to be taken in the whole country or any part of the country as the Order may specify.
 - (2) Subject to subsection (3), the Order may specify—
 - (a) the date on or between which such census is to be taken: and
 - (b) the information to be obtained in the census;
 - (3) The Bureau shall not take a census until regulations have been made by the President prescribing—
 - (a) particulars and information to be furnished on the taking of the census;
 - (b) manner and form in which census is to be conducted;
 - (c) times and places at which census is to be conducted; and
 - (d) persons by whom the particulars and information shall be furnished.

15. Collection of other statistics
 - (1) The Bureau may, collect statistics relating to all or any of the matters specified in the Second Schedule.

 - (2) For the avoidance of any doubt, the Bureau shall establish statistical standards and ensure their use by all producers of official statistics so as may be necessary to facilitate the integration and comparison of the statistics produced both nationally and internationally.

(3) The Bureau shall cause the statistics collected and any statistical information made available and analysed and, subject to the provisions of this Act, may cause such statistics or abstracts to be published.

(4) The Director-General may appoint any technical committee to advise him in the performance of his functions under this Act.

16. Joint collections

(1) The Bureau may make an agreement with any Ministry or Government Department, local authority or statutory body concerning information that they have authority to collect or to be collected jointly by the Bureau and the other Ministry or Government Department, local authority or statutory body and that such information be exchanged between the agreeing parties provided that the respondent shall, by notice in writing, be informed that the information is being collected jointly by the Bureau with a Ministry or Government Department, local authority, or statutory body, which notice shall state the purposes to which the information will be put.

(2) Any employee of any Ministry or Government department, local authority or statutory body shall, if engaged in the joint collection of information or the processing of information collected in joint collection, make a declaration of secrecy similar to the declaration of secrecy prescribed under section 11 in spite of any declaration of secrecy made under any other Act.

17. Sampling

(1) Statistics relating to all or any of the matters set out in the Second Schedule may be collected by sampling, in place of a full enumeration, where the use of that method is considered appropriate.

(2) Sampling may also be used to test a questionnaire and a statistical procedure before finalisation.

(3) It shall not be a defence to a person who has failed to fill in a return or to answer any inquiry by reason only that only a portion or a particular group of persons is required to fill in the return or to answer the inquiry.

18. Restriction on disclosure of information

(1) Except for the purposes of a prosecution under this Act—

(a) no individual return or part thereof made for this purpose of this Act;

(b) no answer given to any question put for the purposes of this Act;

(c) no report, abstract or any other document containing particulars contained in any such return or answer and so arranged as to enable the identification of such particulars with any person, business or undertaking,

shall be published, admitted in evidence or shown to any person not employed in the execution of a duty under this Act unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer, or in the case of a business or undertaking, from the person having the control, management or superintendence of such business or undertaking.

(2) Subsection (1) shall not apply where the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerised data set for general access.

(3) Nothing in this section shall prevent or restrict publication of any such report, abstract or other document without such consent where particulars in such report, abstract or other document enable identification merely by reason of the fact that the particulars, relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, if the particulars do not render possible identification of the costs of production, the capital employed, or profits arising in any such undertaking or business.

19. Exemption on disclosure

Notwithstanding section 18, the Bureau may disclose—

- (a) information available to the public under any enactment or public document;
- (b) information in the form of an index or list of the names and addresses of individual undertakings or businesses together with the telephone numbers at which they may be reached in relation to statistical matters, the industrial classifications allotted to them, the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, and the number of persons engaged;
- (c) details of external trade, movement of ships and aircraft, and cargo handled at ports;
- (d) information relating to a local authority or other statutory body.

20. Disclosure of unidentified information for research or statistical purposes

(1) Subject to subsections (2) and (3), the Bureau may disclose information in the form of individual statistical record solely for bona fide research or statistical purposes provided that—

- (a) all identifying information such as the name and address of a respondent has been removed; and
- (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or undertaking or business to which it relates.

(2) Every person to whom any statistical records are disclosed pursuant to this section shall—

- (a) not attempt to identify any particular person or undertaking or business;
- (b) use the information for research or statistical purposes only;
- (c) not disclose the information to any other person or organization;
- (d) when required by the Director-General, return all documents made available to him

to the Director-General;

(e) comply with any directions given by the Director-General relating to the records.

(3) Every person involved in the research or statistical project for which information is disclosed pursuant to this section shall make the declaration of secrecy set out in the First Schedule.

21. Security of recorded information

Where the statistical information which the Bureau collects under this Act from individual returns, worksheets, or any other confidential sources is to be copied or recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for the processing, storage, or reproduction of particulars, the Bureau shall take such steps as are necessary to ensure the security and confidentiality of the statistical information.

22. Destruction of individual forms and returns

The Bureau shall account for and destroy under strict supervision all individual census and survey forms and returns used for the purposes of this Act and containing the name and address of a person or undertaking or business, after the data have been processed and validated but not later than ten years after the date of completion of any census or survey.

23. Power to obtain particulars

(1) Where any census or a survey is being taken or any other statistics are being collected in accordance with the provisions of this Act, an authorized officer may in the manner specified in subsection (2), require any person to supply him with such particulars as may be prescribed or such of those particulars as the Director-General may consider necessary or desirable in relation to the taking of such census or the collection of such statistics.

(2) A person who has been required to supply any particulars pursuant to subsection (1) shall, to the best of his knowledge, information and belief, complete such forms, make such returns,

answer such questions and give all such information, in such manner and within such time as may be specified by the authorised officer.

(3) An authorised officer may, at all reasonable times and upon production, if required, of his authorisation.

(a) connected with the taking of a census or a survey, enter and inspect any premises including any dwelling house;

(b) connected with collection of other statistics, enter and inspect any premises where activity for profit or gain is carried on, and in either case may make such inquiries as may be necessary for the taking of the census or the collection of the statistics as the case may be.

24. Access to public and other records

Where the Director-General is of the opinion that, the collection of statistics relating to any matter, can be obtained from any—

(a) Government record or document;

(b) record or document belonging to any local government authority, other statutory body or to any person,

information sought in respect of the matter in relation to which the collection of statistics has been approved or directed, or information which would aid in the completion or correction of the statistics, any person who has the custody of any of the records to grant access to them or to any authorized officer of the Bureau for the purposes of getting the information required.

25. Relationship with other agencies

(1) The Director-General shall, in the performance of his functions, or promoting and facilitating development of any integrated and co-ordinated national statistical system or in the exercise of any other function under this Act, consult and co-operate with other agencies or organisations having duties related to, or having aims or objectives similar to those of the Bureau.

(2) (a) Subject to subsection (1), the Bureau shall have the duty to control and co-ordinate all statistical activities in the country with a view to have an integrated statistical system and avoid duplication of efforts in the production of statistics, reduce the burden on respondents of providing data and to ensure optimal utilisation of available resources;

(b) be the contact point for all official bodies, international organisations and the public in need of statistical services and professional assistance;

(c) be the lead agency responsible for official statistics so that an institution or individual wishing to collect statistics for the purposes of publishing official statistics must necessarily employ standard concepts and definitions developed by Bureau;

(d) have operational independence in the course of conducting its responsibilities under this Act and shall be directly accountable to the public through the Parliament for the official production of statistics in Tanzania;

(e) have the responsibility of providing approval for publication of all official statistics and a person wishing to publish any official statistics shall be required to submit a draft of such statistical information to the Bureau for approval.

(3) In the performance of its functions, the Bureau may subcontract other local organizations under the terms and conditions as may be agreed upon by the contracting parties.

26. Repeal of R.L. Cap. 443 and savings

(1) [Repeals the Statistics Ordinance.]

(2) Notwithstanding subsection (1)—

(a) any thing done or any action taken or purported to have been done or taken under the repealed Ordinance shall be treated as if they have been done or taken under this Act;

(b) all rules made under the repealed Ordinance shall in so far as they are not inconsistent with the provisions of this Act remain in force until they are revoked.

PART V

OFFENCES AND PENALTIES (s. 27)

27. Offences and penalties generally

(1) Any person, being employed by the Bureau who—

(a) by virtue of his employment becomes possessed of any information which might influence or affect the market value of any share or other security, interest, product or article and who, before such information is made public, directly or indirectly uses such information for personal gain;

(b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of his employment any information acquired by him or her in the course of such employment;

(c) deserts from his duty, or wilfully makes any declaration, statement or return in the performance of his duties, or compiles for issue any false statistics or information;

(d) in the pretended performance of his duties, obtains or seeks to obtain information that the person is not duly authorized to obtain;

(e) asks, receives or takes, in respect of or in connection with his employment under this Act from any person, other than a public officer duly authorized thereto, any payment or reward, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) Any person who, being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of this Act, publishes or communicates to any other person such information, commits an offence and shall be liable on conviction to a fine not exceeding one million five hundred thousand shillings or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment.

(3) Any person who—

(a) hinders or obstructs any authorized officer in the lawful performance of any duties or in the lawful exercise of any powers imposed or conferred upon him or her under this Act in the lawful exercise of any powers imposed or conferred upon him or her under this Act;

(b) refuses or wilfully neglects—

(i) to complete and supply within the time specified the particulars required in any return, form or other document left with or sent to him or her; or

(ii) to answer any question or inquiries put to or made of him under this Act;

(c) knowingly makes in any return, form or other document completed by him or her under this Act, or in any answer to any question or inquiry put to or made of him under this Act, any statement which is untrue in any material particular;

(d) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act;

(e) not being an authorized officer, assumes the quality of, or represents himself to be, an authorized officer—

- (i) with intent to obtain admission on any premises which he is not entitled to enter;
 - (ii) with intent to do anything which he is not entitled to do;
 - (f) refuses without reasonable cause to grant records and documents in accordance with section 23;
 - (g) contravenes any provision of this Act,
- commits an offence and shall be liable on conviction to a fine not exceeding six hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

PART VI FINANCIAL PROVISIONS (ss 28-30)

28. Operational principles

The Bureau shall perform its functions in accordance with commercial principles and shall in that respect ensure that its revenues are sufficient to meet its outgoings, including payment of operational costs.

29. Funds of the Bureau

The funds and resources of the Bureau shall consist of—

- (a) Moneys received for goods and services provided under this Act;
- (b) the sums as may be appropriated by Parliament for the Bureau;
- (c) the sums borrowed, received by or made available to the Bureau for the purposes of the discharge of its functions;
- (d) the donations, grants and bequests as the Bureau or the Board may receive from any person or body of persons.

30. Borrowing powers

(1) Subject to subsection (2), the Bureau may obtain loans or other credit facilities from any person for the purposes of meeting obligations of the Bureau.

(2) No loan or credit facility may be obtained by the Bureau pursuant to subsection (1) without prior approval of the Minister responsible for Finance on the terms and conditions which are commensurate to Government regulations on repayment of the principal and payment of interests.

PART VII MISCELLANEOUS PROVISIONS (s 31)

31. Regulations

The Minister may make regulations for the better carrying into effect of the provisions of this Act and, in particular but without prejudice to the generality of the foregoing, make regulations—

- (a) prescribing 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) prescribing the manner and form in which, the times and places at which, and the persons by whom information may be furnished;
- (c) prescribing the fees and charges to be paid for any special information or report supplied, or any special investigation carried out for any person;

(d) making additions to or deletion to or otherwise vary the matters specified in the Second Schedule.

SCHEDULES

FIRST SCHEDULE
(Section 11)

EITHER:

I, of solemnly swear before that I shall faithfully and honestly fulfil my duties as in conformity with the requirements of the Statistics Act and that I shall 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 as such.

Sworn before me this day of 20.....

.....
Commissioner for Oaths

OR:

I, of declare before that I will faithfully and honestly fulfil my duties as an enumerator in a census of population in conformity with the requirements of the Statistics Act and that I will not without due authority in that behalf declare or make known or make use of any matter or thing which comes to my knowledge by reason of my employment as such.

Declared before me this day of 20.....

.....
Commissioner for Oaths

SECOND SCHEDULE
(Sections 15(1) and 17(1))

- 1. Population and housing
- 2. Vital occurrences and morbidity
- 3. Immigration and emigration
- 4. Internal and external trade as well as international travel and tourism
- 5. Primary and secondary production
- 6. Agriculture, including dairying, horticulture, pastoral and allied industries
- 7. Forestry and fishing
- 8. Building and construction
- 9. Factories, mines and productive industries generally
- 10. Employment and unemployment

11. Salaries, wages, bonuses, fees, allowance, and any other payments and honoraria for services rendered
12. Expenditure and consumption
13. Income, earnings, profits, and interest
14. Social, educational, labour and industrial matters, including associations of employers, employees, and other persons generally
15. Industrial disturbances and disputes
16. Banking, insurance, and finance generally
17. Commercial and professional undertakings
18. Distributive trades
19. Health
20. Transport and communication in all forms such as land, water, or air
21. Wholesale and retail prices of commodities, rents, and cost of living
22. Injuries, accidents, and compensation
23. Stock of manufactured goods
24. Sweepstakes, lotteries, charitable and other public collections of money
25. Land tenure, occupation and use of land
26. Local government authorities
27. Law enforcement, the administration of justice, punishments and rehabilitation measures
28. Social and physical environment
29. Household including family characteristics, conditions and activities
30. Handicrafts and rural industries
31. Assets including savings, liabilities and wealth of persons and undertakings, prices of property
32. Community, social, welfare, religious and personal services