

Annex 4

LAW ON STATISTICS OF THE REPUBLIKA SRBSKA (draft)

I GENERAL PROVISIONS

Article 1

This law defines the organization of the statistics in Republika Srpska, its scope of work, authorities, responsibilities and other issues of importance for the production of statistics.

Article 2

1. The production of statistics includes all the activities that are needed for preparations, collection, storage, processing, compilation, analysis and distribution of the statistical data.
2. The statistical program (hereinafter: the Program) includes detailed, regulated structure from Article 3 of this Law that relates to the: coordination, harmonization, planning, collection, production and distribution of the statistical data.
3. The statistical data are data that are received from the reporting units and processed, that is, distributed within the Program but also the other statistical data collected by the authorized bodies and organizations.
4. A reporting unit is legal entity or an individual that the Program determines as data provider.
5. The confidential data are data that are used for the production of statistics from which individual reporting units can be identified directly or indirectly.
6. The users are natural persons and legal entities that use statistical data.

Article 3

The production of statistics includes statistical data and information on particular fields of social life, situation and migration of population, economic, social and other events needed for the monitoring and directing, social-economic development, informing the public, exchange of information and international comparisons of such events and movements.

II ORGANIZATION OF THE STATISTICS

Article 4

The Republic Institute for statistics is an authorized body for the statistical activities, (hereinafter: the Institute).

The production of statistics within the activities from its scope of activities will be organized and carried out by: The Ministry of Finances, Ministry of Internal Affairs, Ministry of Justice, Ministry of labour and soldiers and invalid protection, Health Insurance Fund, Health Protection Fund, Main Bank of RS within BiH Central Bank, Banking Agency, Pension and Disabled Person's Fund and Republic Hydro meteorological Institute (hereinafter: authorized bodies and organizations).

Relations between the Institutes and authorized bodies and organizations will be based on the mutual cooperation.

Article 5

During the production of statistics, uniform methodologies and uniform statistical standards, harmonized with BiH standards and standards of the UN European commission for Europe will be applied.

The authorized bodies and organizations, during preparations of regulations and documents with which, based on the authorities from the law, introduction and keeping records and registers are regulated and which can serve as source of data for production of statistics, will get the opinion from the Institute, on the methodological bases of those records and registers.

Article 6

The Institute will determine methodology and standards for the implementation of the Program on the level of Republika Srpska.

The authorized bodies and organizations will determine the methodology and standards for the production of statistics from the fields they are authorized for upon the previously obtained opinion from the Institute.

Methodology and statistical standards for the implementation of the Program will be published in the Official Gazette of Republika Srpska.

Article 7

The Institute is obliged to submit the processed data to BiH Agency for Statistics for the implementation of the Statistical program in BiH, in accordance with the determined methodologies, statistical standards and guidance of Bit-i Agency for statistics.

Article 8

The reporting unit is obliged to provide the Institute or the authorized person, with the complete and correct data on the occurrences that are, on the basis of this law, determined necessary for the production of statistics, within the determined deadline and for free and enable them checking submitted data.

III STATISTICAL PROGRAMS AND WORK PLANS

Article 9

The production of the statistics will be determined by the Program and Work Plan that provides the implementation of the Bill Statistical Program.

The Program will be enacted by the National Assembly of Republika Srpska upon the proposal of the Government of Republika Srpska for the period of four years.

The work plan will be passed by the Government upon the proposal of the Institute and it will be enacted for every calendar year.

The draft Program and work plan will be prepared by the Institute in cooperation with the authorized bodies and organizations, taking into account needs and capacities for production of statistics.

Article 10

The interested reporting units and users of the statistical data will submit the requests for changes and amendments to the Program to the authorized bodies and organizations and to the Institute not later than 31.03. of the current year.

The Institute will consider the received requests and submit the proposal for changes and amendments to the Government of Republika Srpska in cooperation with the authorized bodies and organizations

The Institute will also attach the proposal of the unaccepted requests for changes and amendments with the explanations along with the proposals for changes and amendments.

Article 11

The Program includes: name of the activities, objective, frequency of conducting, source of data, short description of the activities, reporting unit, methodology and standards that will be used, level for which the data are determined, deadline for submission of data for the reporting units and deadline for the implementation.

Article 12

The work plan includes all the proposed activities for the calendar year including projections on costs as well as the operational costs for the Statistical Council. The work plan must include all the activities that are not stated in the Program. The Program and the work plan will be published in the Official Gazette of Republika Srpska.

Article 13

The Government of Republika Srpska can pass the decision on conducting activities that are not defined in the work plan, upon the proposal of the Institute.

The large volume activities will be regulated with the special law.

Article 14

The Institute will submit the report on the implementation of the work plan, in cooperation with the authorized bodies and organizations within three months after the end of the calendar year.

The report will also include the information on the results of the statistical production, degree of implementation and the problems in the implementation of work plan.

IV STATISTICAL COUNCIL

Article 15

The Statistical Council of Republika Srpska (hereinafter: Council) will be established with this Law.

The Council will consists of director of the Institute and four members that will be appointed

by the Government of Republika Srpska in accordance with the qualifications, reputation and professional knowledge from the field of statistics.

The Government of Republika Srpska will appoint four members of the Council for the period of four year.

Director of the Institute will be the chairman of the Statistical Council by his function.

Article 16

The Council, as professional and advisory body for the strategic and development issues of organization and production of the statistics will give opinion in relation to the preparation and implementation of the Program, functioning and further development of the statistics.

The Council will have its' by-laws that will be passed during its' first meeting.

V PRINCIPLES AND TECHNICAL AUTONOMY

Article 17

1. The principles of impartiality, reliability, transparency, timeliness, professional independence and statistical confidentiality will be applied in organizing and production of the statistics in order to provide the quality of the statistical data and maintain the public confidence in the data in terms of exclusive use of individual data for statistical purposes

2. The goal of the statistics of Republika Srpska is to present actual situation in as objective manner as possible, to distribute data in the neutral and unbiased manner as well as to respect the right of the citizens to access to the public information.

3. The confidential data that are collected for the statistical purposes must not be used for any other purposes.

4. The public has access to the information that are needed for the assessment of the quality of the statistical data of Republika Srpska and especially, methods and manners in which these principles are followed.

5. The Institute will inform all reporting units that the collected data will be used for the statistical purposes only and confidential data, in the context of this law, remain confidential data.

6. The Institute and the authorized bodies and organizations are independent in the production of the statistics from its scope of the activities.

7. During the implementation of the Program, the employees of the Institute will not receive nor ask the other state bodies for the instructions, political parties or other interested groups and especially, during the selection of the data, statistical methods and procedures referring to the contents and forms of distribution as well as protection of confidential data.

8. The authorities and the other interested groups will respect the principles determined by this Law and they will not have any influence on the Institute's staff during performance of their duties,

VI FUNDS FOR FINANCING INSTITUTE'S WORK

Article 18

The funds that are needed for the implementation of the work plan and Council will be provided in the Budget of Republika Srpska.

Article 19

If the user asks for the results to be prepared in the manner that deviates from the determined processing and publishing program, the Institute, i.e. the authorized bodies and organizations have right to reimbursement of the costs occurred.

Article 20

The income that is realized in the manner stipulated in Article 19 of this Law can be used for the improvement and modernization of the Institutes' activities.

VII PUBLISHING RESULTS AND USE OF DATA

Article 21

The results of the production of statistics will be published by the institute, i.e. authorized bodies and organizations from Article 4, paragraph 2 of this law, in accordance with processing and publishing program.

Article 22

The Institute and the authorized bodies and organizations are obliged to cooperate with each other and exchange the available data and information for the purpose of establishing and maintaining multipurpose data bases, registers, aggregate statistical data banks and other mutual contents that contribute to the uniformity of the statistical system and provide data for the users, exchange of information and international comparisons.

The obligations of persons responsible for the assignments from paragraph I of this Article will be defined more with the program from Article 9 of this Law, when necessary.

Article 23

The Institute and the authorized bodies and organizations are obliged to harmonize the plans and the manner of publishing statistical data and information from their scope of the activities, among each other, applying standards for publishing data and information.

Article 24

The Institute and the authorized bodies and organizations can give the users, for their use, the data that were prepared in the manner that deviates from the determined processing and publishing program, if those data are not secret in the context of Article 25 of this law. The manner of giving these data will be determined with the by-laws of the Institute, i.e. the authorized body or organization.

VIII CONFIDENTIALITY AND PROTECTION OF PERSONAL DATA

Article 25

The data that are collected, processed and stored are considered confidential if it is possible to identify reporting units, directly or indirectly, through these data, thus disclosing individual data.

A reporting unit is directly identified through address, i.e. through assigned identification number.

An indirect identification is determining identity of a reporting unit through deduction, taking into account all the measures in order to identify the reporting unit.

Article 26

The Institute is obliged to submit to Bit-I Agency for Statistics, all the data that the Agency considers necessary for the implementation of BiH Statistical Program.

The exchange of data that is necessary for the implementation of the Program between the Institute and the Agency is not subject to the limitations relating to the protection of the confidential data.

Article 27

The statistical data must not be submitted to the users if they contain or disclose confidential data.

The confidential data are those data for the reporting unit or group that consists of at least three reporting units where the share of one unit in the group exceeds 85%.

The individual data on legal entities and individuals can be submitted or reported only if the legal entities and individuals gave the consent for their reporting or publishing.

Article 28

During the collection, processing and submission of data, the Institute and the authorized bodies and organizations will undertake all the measures: organizational, regulatory, administrative and technical that are necessary for the protection of the confidentiality of the data and stop unauthorized access, publishing or use of data.

Persons that can have access to the confidential data during performing their tasks, must observe the provisions of this Law even after they stop performing their functions.

Article 29

During performing their tasks that are determined with this Law, the Institute will act in accordance with the Law on protection of personal data in 8th (Official Gazette of BiH, 32/01).

IX PENAL PROVISIONS

Article 30

Every person having access to the confidential data in the performance of their tasks, who unlawfully and knowingly divulges the confidential data in the public, will be guilty of an offence that is punishable by fine not exceeding 5000 KM.

Article 31

A reporting unit that knowingly provides false or incorrect information in response to the written request by the Institute will be guilty of an offence that is punishable by fine not exceeding 5000 KM.

Article 32

A reporting unit that, without any reasonable excuse, refuses or fails to meet the requirements stipulated by the Program will be guilty of an offence that is punishable by fine not exceeding 1000 KM.

X TRANSITIONAL AND FINAL PROVISIONS

On the day this Law comes into effect, the Law on statistical researches (Official Gazette of Republika Srpska 21/96) will cease to be valid.

Article 34

This Law comes into effect on the eighth day of its publishing in the Official Gazette of Republika Srpska.