

REPUBLIC OF LITHUANIA

LAW ON

OFFICIAL STATISTICS

12 October 1993 No I-270

(As last amended on 26 April 2018 – No XIII-1128)

Vilnius

CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose and scope of the Law

1. This Law shall establish a procedure for organising official statistics, the rights and functions of the bodies managing official statistics, the rights and duties of respondents and users of official statistics, a procedure for providing, using and protecting statistical data and statistical information, as well as liability for violations of this Law.

2. This Law shall apply to the bodies managing official statistics, other state and municipal institutions and agencies, respondents and users of official statistics.

3. This Law shall not apply to bodies, enterprises, organisations or other persons conducting statistical surveys outside the scope of the Official Statistics Programme.

4. The provisions of this Law have been harmonised with the legal acts of the European Union listed in the Annex to this Law.

Article 2. Definitions

1. ‘Administrative data’ means the data contained in state and departmental registers (hereinafter: referred to as registers), information systems of state and municipal institutions, agencies, enterprises and the Bank of Lithuania (hereinafter referred to as information systems) and documents which are used for public administration.

2. ‘European statistics’ means the statistical information necessary for the performance of the activities of the European Union, as defined in the European statistical programme.

3. ‘European statistical programme’ means a document adopted by a decision of the European Parliament and the Council of the European Union and setting out the framework, the

main fields and the objectives of the production, development and dissemination of European statistics.

4. 'Interviewer' means a natural person collecting statistical data from respondents by way of an interview.

5. 'Confidential statistical data' means statistical data which allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information.

6. 'Indirect identification' means the identification of a statistical unit by any means other than by way of direct identification.

7. 'Official statistics' means a system of the statistical surveys conducted within the framework of the Official Statistics Programme which has the aim of meeting public demands and the needs of public administration.

8. 'Official statistics portal' means a website which provides multifunctional access to the statistical information produced by the bodies managing official statistics.

9. 'Official Statistics Programme' means the annual list of the statistical surveys to be conducted by the bodies managing official statistics for public demands and for the needs of public administration and commissioned by legal acts of the European Union, laws of the Republic of Lithuania, resolutions of the Government of the Republic of Lithuania and resolutions of the Board of the Bank of Lithuania to the extent that this is related to the statistical domains stipulated in the Law of the Republic of Lithuania on the Bank of Lithuania.

10. 'User of official statistics' means a natural or legal person, another organisation or their division using the statistical information produced within the framework of the Official Statistics Programme.

11. 'Respondent' means a natural or legal person, a branch of a foreign enterprise registered in Lithuania, another organisation or their division providing or being under the obligation to provide statistical data to the bodies managing official statistics.

12. 'Statistical work' means the collection, accumulation, processing, analysis of statistical data, production of statistical information, dissemination of statistical information and non-confidential statistical data, as well as development of these official statistics processes or methods of official statistics.

13. 'Statistical information' means information produced upon processing and/or aggregating statistical data.

14. 'Dissemination of statistical information and non-confidential statistical data' (hereafter referred to as dissemination) means the activity whereby the bodies managing official statistics publish, provide and disseminate statistical information and non-confidential statistical data to users of official statistics.

15. 'Statistical data' means data of a statistical unit and administrative data used for the production of statistical information.

16. 'Statistical unit' means the basic observation unit (a household, a natural person, a legal person, a branch of a foreign enterprise registered in Lithuania, a group of enterprises or a part thereof or another organisation) possessing the characteristics analysed during a statistical survey.

17. 'Statistical questionnaire' means a document form approved and officially published by a body managing official statistics to record and provide statistical data and containing information on a statistical survey and explanations as to how to complete this form.

18. 'Statistical survey' means a statistical work performed using statistical methods.

19. 'Use of statistical data solely for the purposes of official statistics' means the exclusive use of statistical data for the production of statistical information within the framework of the Official Statistics Programme and ensuring of the quality of this statistical information and the statistical data necessary for its production.

20. 'Direct identification' means the identification of a statistical unit from its name or address, or from a publicly accessible identification number, or from the name, surname or personal number.

21. 'General census' means a nationwide statistical survey aimed at collecting detailed statistical data on all statistical units of the Republic of Lithuania.

22. Other concepts used in this Law shall be interpreted as they are defined in the Law of the Republic of Lithuania on Public Administration and the Law of the Republic of Lithuania on Legal Protection of Personal Data.

Article 3. Principles of organisation of official statistics

1. The organisation of official statistics shall be based on:

1) the principle of professional independence. The bodies managing official statistics shall, in producing and disseminating statistical information, be independent of other state and municipal institutions and agencies, political parties, as well as of other persons;

2) the principle of impartiality and objectivity. The bodies managing official statistics shall produce and disseminate statistical information in an objective, professional and transparent manner, while ensuring impartiality for all respondents and users of official statistics;

3) the principle of quality. The bodies managing official statistics shall apply the following criteria for the assessment of the quality of statistical information: relevance, reliability and accuracy, timeliness and punctuality, accessibility and clarity, comparability and coherence, as defined in Article 12 of Regulation (EC) No 223/2009;

4) the principle of confidentiality of statistical data. Confidential statistical data shall be used exclusively for official statistical purposes, save for the exceptions specified by legal acts of the European Union and this Law;

5) the principle of adequacy of resources and cost effectiveness. In order not to increase the statistical burden on respondents, the costs of producing official statistics must be in proportion to the importance of the results and the benefits sought.

2. In order to ensure public confidence in official statistics, the bodies managing official statistics shall be guided by the principles of the European statistics Code of Practice, as set out in Article 11 of Regulation (EC) No 223/2009.

3. The principles referred to in this Article shall be applied by the Bank of Lithuania in accordance with the provisions of Part II of the Official Statistics Programme in the same manner as the European Central Bank applies the principles of the development, production and dissemination of European statistics undertaken within the European System of Central Banks and as indicated in Article 3a of Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ 2004 Special Edition, Chapter 1, Volume 3, p. 23), as last amended by Council Regulation (EU) 2015/373 (OJ 2015 L 64, p. 6) (hereinafter referred to as Regulation (EC) No 2533/98).

CHAPTER II

ORGANISATION OF OFFICIAL STATISTICS

Article 4. Bodies managing official statistics

1. The bodies managing official statistics shall be:

1) the Lithuanian Department of Statistics (hereinafter referred to as Statistics Lithuania);

2) the Bank of Lithuania;

3) other bodies managing official statistics, namely, state and municipal institutions and agencies, where the statistical surveys carried out by them are included in Part I of the Official Statistics Programme (hereinafter referred to as other bodies managing official statistics).

2. Statistics Lithuania and other bodies managing official statistics which produce the European statistics referred to in the European statistical programme, shall comprise the European Statistical System and shall cooperate in developing, improving and disseminating these statistics.

3. In implementing the Official Statistics Programme and guided by the provisions of Article 9(2) of this Law, Statistics Lithuania shall cooperate with the Bank of Lithuania, which performs the functions stipulated in Regulation (EC) No 2533/98.

Article 5. Rights of the bodies managing official statistics

1. In implementing the Official Statistics Programme, the bodies managing official statistics shall have the right:

1) to obtain free of charge from the sources of official statistics indicated in Article 10 of this Law required statistical data, including personal data, special personal data and data which allow direct or indirect identification, also to combine them with other statistical data;

2) to select the mode of collecting statistical data;

3) to use for a specific statistical survey personal data, special personal data which, after having been used, must be immediately altered in a manner that prevents the identification of the data subject, except where the personal data, special personal data are required to combine, compare and ensure the quality of statistical data. The personal data, special personal data which are no longer required to combine, compare and ensure the quality of statistical data shall be promptly altered in such a way that the data subject cannot be identified;

4) to use the personal numbers of natural persons and/or registration numbers of legal persons to combine the statistical data obtained from different sources of data of official statistics;

5) to verify whether the statistical data provided by respondents are correct, to rectify and/or adjust the submitted erroneous and/or inaccurate statistical data, if the respondents fail to rectify and/or adjust them in accordance with the procedure established in point 2 of Article 17 of this Law;

6) to determine missing statistical data by employing statistical methods and using sources of data of official statistics;

7) to invite experts to assess, in appropriate cases, the reliability of statistical data and/or statistical information;

8) to involve, in appropriate cases, interviewers to conduct statistical surveys;

9) to provide to each other statistical data and statistical information;

10) to conduct statistical surveys of households (residents) on the basis of respondents' volunteering;

11) to obtain free of charge contact details of natural and/or legal persons (addresses, fixed-line and mobile telephone numbers, e-mail addresses) for the purpose of conducting statistical surveys. The contact details referred to in this paragraph shall be subject to the measures for the protection of statistical data and statistical information referred to in Article 15 of this Law;

12) to exercise other rights granted by the laws and other legal acts regulating official statistics.

2. The bodies managing official statistics may, under contracts entered into with users of official statistics, provide statistical information produced in a manner different from that provided for in the Official Statistics Programme, where this is without prejudice to the principles for organisation of official statistics laid down in Article 3(1) of this Law and if the costs of producing such statistical information are borne by these users of official statistics.

3. The body managing official statistics shall have access to results of the statistical analysis carried out for research purposes, where the statistical data used to carry out the analysis have been obtained from this body managing official statistics under a contract referred to in Article 13(4) of this Law.

Article 6. Statistics Lithuania

1. Statistics Lithuania shall be a body of the Government of the Republic of Lithuania involved in the formation of state policy in the area of statistical governance assigned to the Minister of Finance, implementing it and coordinating the production of official statistics in accordance with the provisions of Part I of the Official Statistics Programme.

2. Statistics Lithuania shall be headed by the Director General. A person who holds at least a Master's qualification degree or an equivalent higher education qualification and has employment record of at least five years in the area of statistics and five years of managerial work and three years of work in the area of public administration may be appointed to the post of Director General of Statistics Lithuania. No state and municipal institution or agency, political party, other persons may influence the implementation of the powers of the Director General of Statistics Lithuania.

3. The Director General of Statistics Lithuania shall:

1) be in charge of decision-making regarding processes, statistical methods, standards and procedures, as well as of the statistical information produced, developed and disseminated by Statistics Lithuania;

2) address the issues assigned to the remit of Statistics Lithuania and all issues related to the internal administration of Statistics Lithuania;

3) publish an annual activity report of Statistics Lithuania;

4) establish procedures for the preparation of statistical questionnaires and methodologies, approve guidelines for the implementation of the provisions of Part I of the Official Statistics Programme by the bodies managing official statistics, and be responsible for compliance with these guidelines by Statistics Lithuania;

5) represent Statistics Lithuania in the Republic of Lithuania and abroad, represent the Lithuanian statistical system in the European Statistical System and international statistical organisations;

6) perform other functions established in the regulations of Statistics Lithuania.

4. Statistics Lithuania shall perform the following functions:

1) prepare Part I of the Official Statistics Programme and submit it to the Ministry of Finance of the Republic of Lithuania for approval;

2) draft a report on the implementation of the provisions of Part I of the Official Statistics Programme and submit it to the Ministry of Finance of the Republic of Lithuania for approval;

3) approve and publish statistical questionnaires of the statistical surveys conducted by Statistics Lithuania, methodologies, determine the procedure for and timing of submission of statistical data to Statistics Lithuania, coordinate the statistical questionnaires and methodologies prepared by other bodies managing official statistics for the conduct of statistical surveys in accordance with the provisions of Part I of the Official Statistics Programme, conduct statistical surveys;

4) determine, for the purposes of official statistics, the type of economic activity carried out by a statistical unit and the institutional sector, which are not considered to be statistical data;

5) coordinate the activities of other bodies managing official statistics in producing the European statistics referred to in the European statistical programme and in implementing the provisions of Part I of the Official Statistics Programme and the principles governing the organisation of official statistics, provide recommendations on the implementation thereof;

6) perform other functions established by the regulations of Statistics Lithuania and other legal acts regulating the management of official statistics.

5. In addition to the rights listed in Article 5 of this Law, Statistics Lithuania shall, in performing its functions, have the right:

1) to obtain information on prospective statistical surveys from other bodies managing official statistics for the purpose of preparation of Part I of the Official Statistics Programme;

2) to obtain information from other bodies managing official statistics on the conduct of the statistical surveys referred to in Part I of the Official Statistics Programme, on the implementation of the principles governing the organisation of official statistics and on compliance with the guidelines referred to in point 4 of paragraph 3 of this Article;

3) to obtain information from other bodies managing official statistics on the production, development and dissemination of European statistics referred to in the European statistical programme;

4) to conclude bilateral and multilateral cooperation agreements with national statistical offices of foreign states, international organisations, higher education institutions and research institutes;

5) exercise other rights granted by the regulations of Statistics Lithuanian and other legal acts.

Article 7. Other bodies managing official statistics

1. Other bodies managing official statistics shall, for the purpose of conducting the statistical surveys referred to in Part I of the Official Statistics Programme, designate the persons responsible for the statistical surveys conducted by them.

2. Other bodies managing official statistics shall perform the following functions in conducting the statistical surveys referred to in Part I of the Official Statistics Programme:

1) prepare statistical questionnaires and methodologies in accordance with the procedure established by the Director General of Statistics Lithuania;

2) upon coordination with Statistics Lithuania, approve and publish the statistical questionnaires and methodologies of the statistical surveys conducted by them, establish a procedure for and the timing of the submission of statistical data to another body managing official statistics;

3) conduct statistical surveys in accordance with the provisions of Part I of the Official Statistics Programme;

4) in order to disseminate statistical information via the official statistical portal, provide this information to Statistics Lithuania;

5) adhere to the recommendations of Statistics Lithuania on the implementation of Part I of the Official Statistics Programme and to the guidelines approved by the Director General of Statistics Lithuania, referred to in Article 6(3)(4) of this Law.

Article 8. Statistical Council

1. The Statistical Council shall be an advisory body to Statistics Lithuania operating on a voluntary basis and considering the key issues of the organisation and methodology of statistics. It shall discuss the issues related to Part I of the Official Statistics Programme, general censuses and other relevant statistical surveys, dissemination of statistical information and protection of statistical data, prepare conclusions and submit proposals to Statistics Lithuania.

2. The Statistical Council shall consist of delegated representatives of the Bank of Lithuania, other state and municipal institutions, the bodies using and/or managing official

statistics, higher education institutions, research institutes, associations, respondents and the media.

3. The institutional and personal composition and regulations of the Statistical Council shall be approved by the Government of the Republic of Lithuania or an institution authorised by it.

Article 9. Official Statistics Programme

1. The Official Statistics Programme shall consist of:

1) Part I, which includes the statistical surveys conducted by Statistics Lithuania and other bodies managing official statistics. It shall be approved by the Minister of Finance of the Republic of Lithuania;

2) Part II, which includes the statistical surveys conducted by the Bank of Lithuania. It shall be approved and its implementation report shall be prepared in accordance with the procedure established by the Bank of Lithuania.

2. Statistics Lithuania and the Bank of Lithuania shall enter into reciprocal agreements on the implementation of the Official Statistics Programme and on the statistical surveys within the framework of the European statistical programme which are conducted by the Bank of Lithuania.

3. The Official Statistics Programme shall indicate:

- 1) title, objective, periodicity and mandatory nature of a statistical survey;
- 2) legal basis for a statistical survey;
- 3) sources of statistical data;
- 4) timing and mode of publication of statistical information;
- 5) the body managing official statistics which is responsible for the conduct of a statistical survey;
- 6) funds required to conduct a statistical survey;
- 7) other necessary information concerning conducted statistical surveys.

4. A report on the implementation of Part I of the Official Statistics Programme shall be approved by the Ministry of Finance of the Republic of Lithuania.

Article 10. Sources of official statistics

Sources of official statistics shall be as follows:

- 1) statistical data provided by or collected from respondents;
- 2) administrative data;
- 3) data of legal or natural persons lawfully obtained by the bodies managing official statistics and accessible to the public and/or data accumulated and managed by legal persons;

4) statistical data of international organisations lawfully obtained by the bodies managing official statistics.

Article 11. General censuses

1. Population, housing, agricultural and other general censuses may be conducted in the Republic of Lithuania.

2. A general census and its purpose shall be determined by a legal act of the European Union, by a law or by a resolution of the Government of the Republic of Lithuania.

3. A general census shall be organised and conducted by Statistics Lithuania and/or other bodies managing official statistics.

4. Statistics Lithuania or other bodies managing official statistics may involve interviewers to carry out the works related to a general census.

CHAPTER III

DISSEMINATION OF STATISTICAL INFORMATION AND TRANSMISSION OF STATISTICAL DATA AND STATISTICAL INFORMATION

Article 12. Dissemination of statistical information

1. The bodies managing official statistics must, within their remit, publish the statistical information produced within the framework of the Official Statistics Programme.

2. The statistical information produced within the framework of the Official Statistics Programme shall be published in a manner that ensures its simultaneous accessibility to all users of official statistics.

3. The statistical information published by the bodies managing official statistics or provided to state and municipal institutions and agencies and to other legal persons, other organisations or their divisions or to natural persons must be disseminated by reference to the body managing official statistics which has produced the statistical information.

4. Statistical data on statistical units may be disseminated in the form of public use files consisting of anonymised records which have been prepared in such a way that does not allow direct and indirect identification.

Article 13. Transmission of statistical data and statistical information

1. The bodies managing official statistics exchange statistical data necessary for the implementation of the Official Statistics Programme in order to minimum reporting burden on the respondents.

2. Statistical data and statistical information shall be transmitted to the European Commission (the Statistical Office of the European Union (Eurostat)) and to the European Central Bank, where legal acts of the European Union provide so.

3. Statistical data and statistical information may be transmitted to the statistical offices of the Member States of the European Union and to national central banks and other national statistical authorities in accordance with the procedure laid down in legal acts of the European Union.

4. The bodies managing official statistics may, on the basis of contracts concluded with higher education institutions or research institutes, provide statistical data to researchers of these higher education institutions and research institutes to carry out statistical analyses for research purposes. The statistical data must be provided in a manner that does not allow direct identification.

CHAPTER IV

CONFIDENTIALITY AND USE OF STATISTICAL DATA INFORMATION, PROTECTION OF STATISTICAL DATA AND STATISTICAL INFORMATION

Article 14. Confidentiality and use of statistical data

1. The statistical data obtained from publicly available sources which, in accordance with the legal acts of the Republic of Lithuania, are available to the public shall not be considered confidential.

2. Confidential statistical data may be used exclusively for the purposes of official statistics, except as provided for in paragraph 3 of this Article.

3. Unless otherwise provided for by legal acts of the European Union, confidential statistical data may be used for purposes other than official statistics:

- 1) when the respondent allows in writing to disseminate them;
- 2) in the case referred to in Article 13(4) of this Law.

Article 15. Protection of statistical data and statistical information

1. The bodies managing official statistics must undertake organisational, technological and technical measures to ensure the protection of statistical data, including personal data, special personal data, and statistical information, to implement information technologies preventing accidental or unlawful destruction, alteration, disclosure or other unlawful management thereof.

2. Higher education institutions and research institutes as well as their researchers receiving statistical data pursuant to Article 13(4) of this Law shall ensure the protection of the confidential statistical data thus obtained against disclosure to other persons or against unlawful use or processing thereof for purposes other than those specified in Article 13(4) of this Law.

CHAPTER V

RIGHTS AND DUTIES OF RESPONDENTS AND USERS OF OFFICIAL STATISTICS

Article 16. Respondents' rights

Respondents shall have the right:

1) to obtain from the bodies managing official statistics information concerning the legal basis of a statistical survey, the purpose of the use of statistical data, the mandatory or voluntary nature of the provision thereof, the legal consequences of a failure to provide the data as provided for in the Code of Administrative Offences of the Republic of Lithuania;

2) to have access to the personal data of respondents managed by the bodies managing official statistics and other statistical data collected thereon, stored in information systems and/or registers managed by the bodies managing official statistics and, upon finding inaccuracies, to have them rectified.

Article 17. Duties of respondents

Respondents must:

1) provide free of charge correct statistical data, including personal data, special personal data and the data which allow direct or indirect identification, in accordance with the procedure established by legal acts for the purpose of implementation of the Official Statistics Programme. The respondents being natural persons must provide statistical data, including personal data, special personal data, and the data which allow direct or indirect identification, if so provided by legal acts of the European Union or by laws;

2) rectify and/or adjust false and/or inaccurate statistical data if they find that they have provided such data to a body managing official statistics. The body managing official statistics shall provide the respondents with the possibility to rectify and/or adjust the statistical data provided and inform them of the mode/modes of rectification and/or adjustment;

3) confirm against their signature the correctness of the statistical data provided in statistical questionnaires, namely, a natural person, the head of a legal person or another organisation or a person authorised by him, a person who, in accordance with legal acts, has the

right to act on behalf of the legal person or a division of another organisation, except in cases where it is not required to indicate the respondent;

4) when providing statistical data by electronic means, using an advanced electronic signature or by any other means that allows identification of the natural person who has provided them, confirm the correctness of the statistical data or the fact that the statistical data recorded in a statistical questionnaire are consistent with the statements of an interview, except in cases where it is not required to indicate the respondent;

5) create conditions for employees of the bodies managing official statistics to collect free of charge publicly available statistical data for the purpose of implementation of the Official Statistics Programme;

6) when providing statistical data by telephone, introduce themselves, namely, provide the name, surname and the name of a legal person as well as the position held if acting on behalf of the legal person or another organisation.

Article 18. Rights and duties of users of official statistics

1. Users of official statistics shall have the right:

1) to acquaint themselves with the principles, procedures and methods of producing statistical information;

2) to receive information on the quality of statistical information;

3) to make proposals to the bodies managing official statistics concerning the production of statistical information.

2. When disseminating statistical information, users of official statistics must comply with the requirement laid down in Article 12(3) of this Law.

CHAPTER VI

LIABILITY

Article 19. Liability of officials, civil servants and employees of the bodies managing official statistics

1. The officials, civil servants and employees of the bodies managing official statistics who are authorised to work with statistical data must ensure the protection of confidential statistical data and statistical information and undertake in writing to protect the confidential statistical data and use them exclusively for the purposes of official statistics.

2. Termination of a civil service or employment relationship shall not release a person from the obligation to protect confidential statistical data and from liability for disclosure of these statistics.

3. An interviewer collecting statistical data by way of an interview shall be responsible for the correctness of the statistical data recorded in a statistical questionnaire and their consistency with the statistical data and statements provided by the respondent.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 (OJ 2008 L 61, p. 6).

2. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ 2009 L 87, p. 164), as last amended by Regulation (EU) 2015/759 of the European Parliament and of the Council of 29 April 2015 (OJ 2015 L 123, p. 90).