

Statistical secrecy
INDEC provision
No. 176/99

Buenos Aires, March 23, 1999

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IN VIEW OF Law No. 17622 of January 25, 1968, Executive Order No. 3110 of December 30, 1970, regulatory thereof, as amended, and Provision No. 11 issued by the NATIONAL INSTITUTE OF STATISTICS AND CENSUSES (INDEC, for its Spanish acronym) on April 4, 1988; and

WHEREAS:

Sections 10, 13 and 17 of Law No. 17622 provide that those who participate in any stage of production of official statistical information shall keep statistical secrecy.

Failure to fulfill such obligations by officers and staff so participating may cause the application of the sanctions established in Argentina's Criminal Code.

INDEC Provision No. 11/88 mentioned supra sets forth specific statistical secrecy obligations to be fulfilled, in particular, by such staff as may perform duties at the INDEC.

In furtherance of management efficiency, the National Public Administration has adopted remarkable innovations concerning organizational methods in work processes, including construction contracts, contracts for services and the introduction of state-of-the-art information technology.

Within this framework, the INDEC has incorporated such procedures in response to growing demands for information, also ensuring that reliable, true and accurate statistics be available in real time.

That calls for the update of the specific regulations on statistical secrecy set forth in INDEC Provision No. 11/88.

It is relevant to extend such regulations to such staff and other bodies of the National Public Administration as may participate in statistical projects jointly with the INDEC.

The INDEC's Office of Legal Affairs has duly intervened in its capacity as competent body.

The relevant bodies act under the authority vested therein under section 2(c)(ii) and section 28(a) and (f) of Executive Order No. 3110/70.

THEREFORE

THE DIRECTOR OF THE NATIONAL INSTITUTE OF STATISTICS AND CENSUSES PROVIDES THE FOLLOWING:

SECTION 1.- All the staff of the INDEC shall strictly fulfill the statistical secrecy obligations set forth in section 13 of Law No. 17622 for the purpose of protecting the confidential nature of individual data. This obligation also covers such staff of other bodies of the National Public Administration as may participate in projects jointly with the INDEC and that, by virtue of the duties assigned thereto, shall have access to individual data.

SECTION 2.- Consultants hired by international bodies or under any other public regulations, college interns,

as well as the staff of public bodies that are not part of the National Statistical System (SEN, for its Spanish acronym) or private entities which, due to the execution of contracts or agreements with the INDEC, have access to primary data protected by the statistical secrecy set forth in Law No. 17622, shall also keep individual data strictly confidential.

SECTION 3.- All the staff joining the INDEC, notwithstanding their category and condition, as well as all the persons covered by the foregoing sections, shall learn about the content of Annex I to this Provision, which is an integral part thereof, at the time of undertaking their duties.

SECTION 4.- The contracts or agreements executed with public bodies that are not part of the National Statistical System, private entities or international bodies in order to prepare the statistical programs of which the INDEC is part shall include a clause whereby entities undertake to abide by Law No. 17622 and comply with this Provision.

SECTION 5.- In the cases of the foregoing section, entities shall notify the INDEC of the list of persons involved in the relevant tasks, so that they learn about the content of such Annex I prior to undertaking their duties.

SECTION 6.- Notices pertaining to the INDEC's staff shall be added to each agent's personal file.

SECTION 7.- The INDEC shall create a Register for the purpose of verifying and filing the notices pertaining to the persons referred to herein who are not agents thereof.

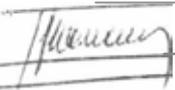
SECTION 8.- In no case may lists of households, natural or legal persons, or establishments that are part of a sample, be provided.

SECTION 9.- The National Office of Statistical Methodology, Technology and Coordination of the National Statistical System shall invite provincial and local statistical services to promote rules similar to this Provision as and where necessary.

SECTION 10.- Be Provision No. 11 issued by the NATIONAL INSTITUTE OF STATISTICS AND CENSUSES (INDEC) on April 4, 1988, hereby repealed.

SECTION 11.- Be this Provision communicated, published, sent to the National Office of Official Registration, and filed.

PROVISION No.176



Attorney Héctor Eduardo Montero
DIRECTOR
National Office of Official Registration
INDEC

SPECIFIC STATISTICAL SECRECY OBLIGATIONS

General Notions on Statistical Secrecy

1.- Law No. 17622 regulates the operation of the official statistical activity, its sections including strict rules on the duty to keep individual information strictly confidential.

2.- The staff performing at the NATIONAL INSTITUTE OF STATISTICS AND CENSUSES (INDEC, for its Spanish acronym), notwithstanding their condition, tasks and hierarchy, as well as such persons as may participate in any stage of production of official statistical information, shall discharge the duty of confidentiality imposed by Sections 10 and 13 of Law No. 17622 in the following terms:

“SECTION 10.- The information to be provided to the bodies that compose the National Statistical System, in compliance with this Law, shall be kept secret and shall be used for statistical purposes only. The data shall be provided and published, exclusively, in joint compilations so that the trade or monetary secrets, or the individuals or legal entities therein mentioned are not revealed or singled out.

The following registration data are exempted from statistical secrecy: name and surname –or corporate name; address, and branch of economic activity.”

“SECTION 13.- Any person who, by reason of their position or responsibilities, becomes aware of statistical or census information shall keep such information strictly confidential.”

3.- Statistical secrecy or confidentiality of statistical information is the legal protection afforded to every natural or legal person, bound to provide data to the services that are part of the National Statistical System, whereby such data shall be used for no other than statistical purposes.

4.- The fact that information be compiled for statistical purposes entails that it may be provided or published in joint compilations only. This means that no statistical units (persons, companies, households, etc.) may be identified in any way.

5.- Officers or employees that disclose individual census or statistical information to third parties, or use any such information learned by reason of their responsibilities and duties at their own advantage, shall be discharged from all their civil service positions, and shall be punished by way of the sanctions applicable under Argentina’s Criminal Code (Book 11, Title V, Chapter 111).

6.- Any person who fails to fulfill such obligations shall be subject to application of Sections 156 and/or 157 of the Criminal Code whereby:

“SECTION 156.- Any person who disclosed a secret learned by reason of their status, craft, employment, profession or art without cause shall be punished by way of a fine ranging from ONE THOUSAND AND FIVE HUNDRED PESOS (ARS 1,500) to NINETY THOUSAND PESOS (ARS 90,000) and subject to limited disqualification for SIX (6) MONTHS to THREE (3) YEARS.”

“SECTION 157.- Any public official who disclosed facts, actions or documents to be kept secret pursuant to the Law shall be punished by way of imprisonment from ONE (1) MONTH to TWO (2) YEARS and subject to limited disqualification for ONE (1) to FOUR (4) YEARS”.

Specific Regulations

In furtherance of the provisions of Law No. 17622 on statistical secrecy, all the persons involved in the production of statistical information shall keep to the following rules:

- 1.- The forms aimed at gathering statistical data shall include, in a visible and prominent place, a caption stating that the data provided by the informer shall be protected by statistical secrecy under Law No. 17622.
- 2.- No one may provide third parties with copies of forms completed that include singling out data. The INDEC's officers may deliver copies of forms, with proof of service, in the following cases only: a) at the written request of the informer prior authorization by a competent officer; b) at the request of a court stating that the INDEC is exempted from statistical secrecy prior authorization by the informer; c) to services of the National Statistical System subject to national-like laws on confidentiality of individual data and as expressly authorized in writing by the Office of the INDEC to provide such copies.
- 3.- No copies of computerized statistical data sheets or files singling out informers may be provided other than to SEN services subject to similar laws on confidentiality of individual data as expressly authorized in writing by the Office of the INDEC and with proof of service.
- 4.- No prepared information which, on the basis of the simultaneous application of several restrictive criteria, corresponds to few items may be provided, as, in this case, units may be easy to identify.
- 5.- In no case may lists of households, natural or legal persons, establishments or other units that are part of a sample be provided.
- 6.- Any person handling completed forms, as well as any other material containing primary data and identification, shall keep them as and where suitable, in order to prevent persons alien to the process of production of relevant statistical information from having free access thereto.
- 7.- Any person participating in the direct analysis of individual information, surveyor, or collector of data from administrative registers, shall be expressly authorized by the Director of the INDEC. Such authorization shall be produced in all cases before the informer.
- 8.- Data shall be published so as not to make it possible to infer the number value of a given statistical unit that is known to be whole - the universe presented in the table. A generally satisfactory solution is to ensure that boxes include at least THREE (3) cases (establishments, persons, etc.) or values pertaining to the addition of at least THREE (3) statements (heads of cattle, sales value, etc.).
- 9.- The databases provided shall be unnamed, and, where some economic sector or geographic area has fewer than THREE (3) records, these units shall be grouped in other categories in order to prevent individual values from being singled out or inferred.

