

## CHAPTER 3

### Statistics and Census

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#### **§ 301. Short title.**

This chapter may be cited as the Statistics and Census Act of 1988.

**Source:** PL 5-77 § 1.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

#### **§ 302. Definitions.**

As used in this chapter, unless the context requires another meaning or unless it is otherwise provided:

- (1) “Census” means a survey of all the persons, owners, officials, agents, corporations, businesses, institutions, establishments or other organizations in a field of inquiry;
- (2) “Chief” means the Chief of the Division of Statistics;
- (3) “Congress” means the Congress of the Federated States of Micronesia;
- (4) “Division of Statistics” means the Division of Statistics within the Office of Planning and Statistics of the Federated States of Micronesia;
- (5) “National Government” means the Government of the Federated States of Micronesia;
- (6) “National Planner” means the highest management official of the Office of Planning and Statistics of the Federated States of Micronesia;
- (7) “President” means the President of the Federated States of Micronesia;
- (8) “Respondent” includes a corporation, company, association, firm, partnership, proprietorship, society, joint stock company, individual, or other organization or entity which reported or is required to report, or on behalf of which information was reported, in response to a questionnaire, inquiry, or other request of the Division of Statistics;
- (9) “Sample Survey” means a survey of some but not all of the persons, owners, officials, agents, corporations, businesses, institutions, establishments or other organizations in a field of inquiry; and
- (10) “State government” means the government of any of the states of the Federated States of Micronesia.

**Source:** PL 5-77 § 2.

**Editor’s note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 303. Statement of purpose.**

The purpose of this chapter is as follows:

- (1) To define the functions and responsibilities of the Division of Statistics;
- (2) To authorize the Division of Statistics to develop an integrated and comprehensive statistical and census information system;
- (3) To guarantee the confidentiality of data collected by the Division of Statistics and other departments and agencies of the National Government or jointly by departments or agencies of the National and State Governments; and
- (4) To promote cooperation between the National and State Governments with respect to the Improvement of recording and reporting of statistics in the Federated States of Micronesia.

**Source:** PL 5-77 § 3.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 304. Functions and responsibilities of the Division of Statistics.**

The Division of Statistics shall have the following functions and responsibilities:

- (1) To advise the President and the executive branch on matters pertaining to statistical policy;
- (2) To coordinate the statistical work of all National Government departments with particular emphasis on the following areas:
  - (a) the avoidance of duplication in data collection;
  - (b) the attainment of compatibility between, and the integration of statistics compiled by National Government departments and agencies;
  - (c) the maximum possible utilization of statistical data;
  - (d) the formulation and implementation of standards for carrying out statistical operations;
  - (e) the provision of statistical advice and assistance to National Government departments and agencies;
  - (f) the recruitment and training of statistical staff; and
  - (g) the general promotion and development of integrated social and economic statistics for the National Government.
- (3) To compile, analyze and disseminate official statistics and related information;
- (4) To collect statistics and related information concerning economic, social, and demographic matters;
- (5) To prepare and publish an annual statistical abstract for the Federated States of Micronesia;
- (6) To collect and compile statistical data needed for the formulation of development plans and plan implementation including, but not limited to, the following:
  - (a) data required for the compilation of National accounts;
  - (b) data on wholesale and retail price changes;
  - (c) data on internal and external trade; and
  - (d) data on government and household expenditures.
- (7) To conduct periodic censuses of population and other censuses and sample surveys at the request of the President;
- (8) To design and prepare questionnaires for use in censuses or sample surveys;
- (9) To promote and assist statistical activities in the states and to assist State governments and organizations in the collection, analysis and dissemination of statistical information;

(10) To undertake periodic surveys of the branches and agencies of the National and State Governments to determine government statistical data requirements and to identify any statistical problems or difficulties being encountered; and

(11) To liaise with statistical organizations in other nations and with international organizations regarding statistical matters.

**Source:** PL 5-77 § 4.

### **§ 305. Authority to gather and compile statistical data.**

The Division of Statistics shall have the following authority to gather and compile statistical data at such times and for such periods as determined by the National Planner:

- (1) To gather statistical information;
- (2) To design and prepare forms and questionnaires;
- (3) To undertake investigations and carry out censuses and sample surveys;
- (4) To select sampling methodologies for use in surveys;
- (5) To request respondents to supply estimates where recorded data are not available;
- (6) To prepare programs relating to the acquisition of statistical information;
- (7) To consult or cooperate with any other person or body for the purpose of compiling statistical data; and
- (8) To undertake any other necessary actions to fulfill its functions and responsibilities.

**Source:** PL 5-77 § 5.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 306. Conduct of censuses and sample surveys and collection of statistical data.**

In order to conduct the censuses and sample surveys and collect the statistical data as authorized by sections 304 and 305 of this chapter, the National Planner, the Chief, or other employees of the Division of Statistics designated by the National Planner, shall be empowered to:

- (1) Supply a schedule to any respondent and require such respondent to supply to the best of his knowledge, orally or in writing, all of the information requested in the schedule in accordance with instructions in the schedule or accompanying it, and require that person to complete the schedule, if necessary with the assistance of the National Planner or his designee, and to return the completed schedule to the National Planner or his designee by a specific date; and

(2) Ask any respondent orally or in writing any questions necessary to obtain information for the purpose of compiling statistical data or conducting a census or sample survey as prescribed under this chapter, and require the respondent to give, to the best of his knowledge, written or oral answers to any such questions.

**Source:** PL 5-77 § 6.

### **§ 307. Dissemination of statistical data; Restrictions on use.**

(1) The Chief may furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent, and may make special statistical compilations or surveys, for departments, offices, and agencies of the National Government, and State and local governments.

(2) Information furnished under subsection (1) of this section shall not be used by the National Government, or by any of its agencies, subdivisions, or public corporations, or by any of its officers or employees acting in an official capacity to the detriment of any respondent or other person to whom such information relates in any legal proceeding, except in the prosecution of alleged violations of this chapter.

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**Source:** PL 5-77 § 7.

### **§ 308. Confidentiality of information.**

The National Planner, the Chief, and any other officer or employee of the Division of Statistics, or any person provided with data pursuant to section 311 of this chapter, shall not:

(1) Use the information furnished under the provisions of this chapter for any purpose other than for the purpose of conducting a census or sample survey, gathering statistical data, or for compiling and disseminating tabulations or other statistical materials pursuant to section 307 of this chapter;

(2) Make any publication whereby the data furnished by any particular establishment or individual under this chapter can be identified; or

(3) Permit anyone other than the National Planner, the Chief, or sworn employees of the Division of Statistics to examine the individual reports, except in the prosecution of alleged violations of this chapter.

**Source:** PL 5-77 § 8.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 309. Oath of employees.**

The National Planner, the Chief, and every other person employed in carrying out the provisions of this chapter shall take and subscribe the following oath:

“I solemnly swear that I will faithfully and honestly fulfill my duties in accordance with the provisions of the Statistics and Census Act of 1988, and that I will not disclose or make known, except as authorized by law, any information collected in a census or sample survey which comes to my knowledge by reason of, or through my employment by, or on behalf of any governmental entity in the Federated States of Micronesia.”

The oath shall be taken, retained, and recorded in such manner as the Chief shall determine.

**Source:** PL 5-77 § 9.

### **§ 310. Statistical surveys by other government departments.**

Departments and agencies of the National Government are authorized to conduct surveys under this chapter subject to the following requirements:

(1) All such persons engaged in the collection and processing of replies to statistical surveys are subject to each provision of this chapter including, but not limited to, the required oath of employees contained in section 309 of this chapter and the restrictions on use contained in sections 307 and 308 of this chapter;

(2) The National Planner and the Division of Statistics shall be informed of any surveys being proposed by departments and agencies of the National Government; and

(3) Respondents to any statistical survey conducted by any department or agency of the National Government shall be advised whether the survey is for statistical purposes and is being conducted under the authority of this chapter or whether the survey is for some other purpose.

**Source:** PL 5-77 § 10.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, and other congressional information at <http://www.fsmcongress.fm/>.

### **§ 311. Exchange of data authorized.**

The Division of Statistics is authorized to enter into any agreement or arrangement with any department or agency of the National or any of the State governments for the exchange of data collected jointly with that department or agency and for subsequent tabulation or publication of statistics based upon such data provided that all respondents

are informed, in writing, that the information is being collected jointly on behalf of the Division of Statistics and the other department or agency concerned. No such agreement or arrangement shall be effective unless it shall require the officers and employees of the department or agency of the governmental entity participating in the exchange of data to abide by the provisions of this chapter.

**Source:** PL 5-77 § 11.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 312. Wrongful disclosure of information prohibited.**

Any person being or having been the National Planner, or Chief, or an employee of the Division of Statistics, either temporary or permanent, or having taken and subscribed the oath as set forth in section 309 of this chapter, or otherwise having sworn to observe the limitations imposed by this chapter, who publishes or communicates any information, the disclosure of which is prohibited under the terms of this chapter, and which comes into his possession by reason of his being unemployed or otherwise providing services under the provisions of this chapter, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$3,000, or imprisoned not more than three years, or both.

**Source:** PL 5-77 § 12.

### **§ 313. Refusal or neglect to answer questions pertaining to census data; False answers pertaining to census data.**

(1) Any person being over 18 years of age, who refuses or willfully neglects, when requested by any authorized employee of the Division of Statistics or other governmental entity, to answer to the best of his knowledge any of the questions or any schedule submitted to him in connection with any census authorized under this chapter which census data relate to himself or to the family to which he belongs or is related, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$100;

(2) Any person, being over 18 years of age, when requested by an authorized employee of the Division of Statistics or other governmental entity, to answer to the best of his knowledge any of the questions on any schedule submitted to him in connection with any census authorized under this chapter which census data relate to himself or to the family to which he belongs or is related, knowingly gives any answer that is false, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$500;

(3) Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any corporation, business, institution, establishment, or organization of any nature whatsoever, refuses or willfully neglects, when requested by the National Planner, the Chief, or by any authorized employee of the Division of Statistics or other governmental entity to answer completely and correctly to the best of his knowledge all questions relating to such corporation, business, institution, establishment, or other organization, or to records or statistics in his official custody, contained in any census authorized by this chapter, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$500;

(4) Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any

corporation, business, institution, establishment, or organization of any nature whatsoever, when requested by the National Planner, the Chief, or by any authorized employee of the Division of Statistics or other governmental entity to answer completely and correctly to the best of his knowledge all questions relating to such corporation, business, institution, establishment, or other organization, or to records or statistics in his official custody, contained in any census authorized by this chapter, knowingly gives a false answer to any such question, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$500, or imprisoned not more than three months, or both; and

(5) Notwithstanding any other provision of this chapter, no person shall be compelled to disclose information relative to his religious beliefs or to membership in a religious organization, nor shall any person incur any liability under this chapter for failure to disclose information as to his religion.

**Source:** PL 5-77 § 13.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 314. Administration of chapter.**

The National Planner shall be charged with the administration of this chapter. The National Planner shall have all such authority as may be reasonably necessary for the performance of any function of the Division of Statistics or for the administration of this chapter, including the authority to promulgate such rules and regulations as he deems necessary to conduct periodic censuses or sample surveys or to otherwise effect the administration of this chapter. Such rules and regulations shall be promulgated in accordance with the provisions of chapter 1 of title 17 of this code and shall have the force and effect of law.

**Source:** PL 5-77 § 14, modified.

**Cross-reference:** The statutory provisions of chapter 1 of title 17 of this code are on Administrative Procedures.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.