

STATISTICS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Statistics Act 1975. It has three main purposes. The first is to enable the Government Statistician to employ for the purpose of carrying out the quinquennial census of population and dwellings, census regional controllers, census area managers, census district supervisors and census enumerators.

The positions of census regional controller and census area manager are new positions. The positions of census district supervisor and census enumerator replace the positions of enumerator and sub-enumerator respectively currently provided for by the principal Act.

The second is to substitute for section 37 of the principal Act new provisions relating to the confidentiality and disclosure of information. The existing section 37 has given rise to difficulties of interpretation. The new sections which replace it do not make amendments of a substantial nature but are designed to clarify the position regarding the confidentiality of information and the circumstances in which it may be disclosed.

The third is to authorise the Government Statistician to provide an index or list of the names and addresses of farmers owning not less than 100 sheep or cattle to the Meat Board and Wool Board for the purposes of regulations providing for the election of certain members to those Boards and for the purposes of distributing the annual reports and other publications of those Boards.

Clause 2 amends section 2 of the principal Act by substituting a new definition of the term "employee of the Department".

Clause 3 repeals section 19 of the principal Act, and substitutes a new section. The new section authorises the Government Statistician to employ persons in the positions referred to.

Clause 4 amends section 23 (3) of the principal Act. So far as the amendment substitutes a reference to the term "census district supervisors" for the reference to the term "enumerators" the amendment is consequential. The amendment also, however, omits the reference to the term "sub-enumerators" without substituting a corresponding reference to the term "census enumerators". Under the existing section 23 (3) the Statistician is required to publish the names and addresses of both enumerators and sub-enumerators from whom census schedules can be obtained if they have not been delivered. Accordingly, there will be no obligation to publish the names and addresses of census enumerators.

Clauses 5 and 6 effect consequential amendments.

Clause 7 repeals section 37 of the principal Act and substitutes new sections 37 to 37F. These new sections relate to the confidentiality of information supplied to the Government Statistician. The new sections 37 to 37E re-enact with amendments the existing section 37 of the principal Act. *Section 37F* which relates to the disclosure of information to the Meat and Wool Boards is new.

The new section 37 sets out the general obligations regarding confidentiality of information.

Subsection (1) provides that information furnished to the Statistician may only be used for statistical purposes.

Subsection (2) provides that except in the case of a prosecution or a proposed prosecution under the principal Act only an employee of the Department of Statistics who has made a statutory declaration of secrecy under section 21 may see an individual schedule or an answer to a question.

Subsection (3) provides that except in the case of a prosecution or a proposed prosecution under the principal Act, no information in an individual schedule and no answer to a question may be separately published or disclosed to any undertaking or person not being an employee of the Department of Statistics who has made a declaration of secrecy under section 21.

Subsection (4) provides that all statistical information published by the Statistician shall be arranged in such a way as to prevent any particulars published from being identifiable by any person (other than the person by whom they were supplied) as particulars relating to any person or undertaking unless—

- (a) That person or the owner of that undertaking has consented to their publication in that manner, or has already permitted their publication in that manner; or
- (b) Their publication in that manner could not reasonably have been foreseen by the Government Statistician or any employee of the Statistics Department.

Subsection (5) authorises the Government Statistician to make office rules for the purposes of subsection (4).

Subsection (6) provides that subsections (2) and (3) shall apply notwithstanding any provisions contained in the Customs Act 1966, the Inland Revenue Department Act 1974 or any other Act. The effect of this provision is to make it clear that access cannot be obtained under the provisions of other enactments, in particular the Customs Act 1966 and the Inland Revenue Department Act 1974, to information supplied under the Statistics Act 1975.

The new sections 37A to 37F expressly authorise the Government Statistician to disclose certain information in specific cases notwithstanding the general obligation regarding confidentiality imposed by the new section 37.

The new section 37A re-enacts as a separate section the proviso to subsection (4) of the existing section 37. It authorises the Statistician to disclose the following information:

- (a) Information the disclosure of which is consented to by the person or undertaking which supplied it;
- (b) Information available to the public under any Act or public document;
- (c) Information in the form of an index or list of the names and addresses of individual undertakings, together with the industrial classification allotted to them and the number of persons engaged;
- (d) Details of external trade, movement of ships, and cargo handled at ports:

(e) With the approval of the Minister, such particulars respecting individual fire, accident, and life insurance offices as are desirable in the public interest, not being information received through the Inland Revenue Department:

(f) Information supplied by a local authority.

The reference to information supplied by a local authority is new.

The new *section 37B* re-enacts as a separate section, subsection (5) (a) of the existing section 37. It provides that information collected jointly with another Government Department, local authority or statutory body pursuant to an agreement under section 9 of the principal Act and information collected under any other Act and processed by the Department of Statistics may be disclosed to that Government Department, local authority or statutory body. It also provides that individual schedules obtained and answers to questions put in the course of a joint collection may be disclosed to an employee of that Government Department, local authority or statutory body who has made a statutory declaration similar to the declaration of secrecy prescribed by section 21 of the principal Act.

The new *section 37c* re-enacts with amendments subsection (5) (b) of the existing section 37.

Subsection (1) authorises the Government Statistician to disclose individual schedules to an officer of another Government Department for research or statistical purposes pursuant to the functions and duties of that Government Department.

Subsection (2) provides that no individual schedule may be disclosed unless—

- (a) The name and address of the person or undertaking which supplied it is deleted; and
- (b) Every person involved in the research or statistical project makes a statutory declaration similar to the declaration of secrecy prescribed by section 21 of the principal Act; and
- (c) The Statistician is satisfied that the security of the schedules and any information contained in them will not be impaired.

Subsection (3) provides that the published results of the research or statistical project shall not divulge more information than the Statistician could publish under the principal Act.

Subsection (4) requires every officer of a Government Department to whom any individual schedule is disclosed, and that Department, to comply with any direction given by the Statistician.

The new *section 37D* re-enacts as a separate section, subsection (5) (c) of the existing section 37. It authorises individual schedules which have been the subject of agreement between the Government Statistician and the Chief Archivist and classified as historical documents to be released after 100 years.

The new *section 37E* re-enacts as a separate section subsection (6) of the existing section 37. It requires the Statistician to ensure that the security provisions of the Act are complied with in respect of the copying or recording of information obtained.

The new *section 37F* authorises the Statistician—

- (a) To supply the Meat Board with an index or list of the names and addresses of farmers; and
- (b) To supply the Wool Board with an index or list of the names and addresses of wool growers.

In the case of the Meat Board, the index or list is to be used only—

- (a) For the purposes of regulations that prescribe the method of election to that Board of the members who are appointed as representatives of producers of meat; or
- (b) For the purposes of distributing the annual report and other publications of the Board.

In the case of the Wool Board, the index or list is to be used only—

- (a) For the purposes of regulations that prescribe the method of election to that Board of the directors who are appointed to represent the wool growers of New Zealand; or
- (b) For the purposes of distributing the annual report and other publications of the Board.

Disclosure, pursuant to the section, of the name and address of a farmer or wool grower may take place only where—

- (a) The schedule completed by that farmer or wool grower—
 - (i) States that the Statistician is authorised in accordance with the section to disclose the name and address of any person as a farmer or wool grower unless that person objects in the manner prescribed by the schedule or in writing to such disclosure; and
 - (ii) States the purposes for which any information disclosed under this section may be used; and
- (b) That farmer or wool grower does not object in the manner prescribed by the schedule or in writing to the disclosure of his name and address.

Clause 8 repeals section 39 of the principal Act.

Hon. R. J. Tizard

STATISTICS AMENDMENT

ANALYSIS

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1. Short Title	37C. Disclosure of individual schedules to other Government Departments for bona fide research or statistical purposes
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A BILL INTITULED

An Act to amend the Statistics Act 1975

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Statistics Amendment Act 1984, and shall be read together with and deemed part of the Statistics Act 1975* (hereinafter referred to as the principal Act).

*1975, No. 1

Amendments: 1978, No. 126; 1982, No. 38; 1982, No. 163

2. Interpretation—Section 2 of the principal Act is hereby amended by omitting the definition of the expression “employee of the Department”, and substituting the following definition:

“ ‘Employee of the Department’, means any person 5
employed in or by the Department, whether
permanently or temporarily, and includes any person
employed under **section 19** of this Act.”

3. Employment of persons for collection of statistics—
The principal Act is hereby amended by repealing section 19, 10
and substituting the following section:

“19. (1) The Statistician may employ from time to time—

“(a) Such interviewers, agents, and other persons as may be
necessary for the collection of such statistics and
information as are authorised by this Act; and 15

“(b) Such census regional controllers, census area managers,
census district supervisors, census enumerators, and
other persons as may be necessary for the purposes
of Part III of this Act.

“(2) The duties of the persons appointed under **subsection (1)** 20
of this section shall be such as the Statistician determines.

“(3) No person shall be deemed by reason only of his
employment under this section to be employed in the service
of Her Majesty for the purposes of the State Services Act 1962
or the Superannuation Act 1956.” 25

4. Census of population and dwellings—Section 23 (3) of
the principal Act is hereby amended by omitting the words
“enumerators and sub-enumerators”, and substituting the
words “census district supervisors”.

5. Duty of persons to obtain census schedule—Section 25 30
of the principal Act is hereby amended—

(a) By omitting the word “enumerator”, and substituting the
words “census district supervisor”; and

(b) By omitting the word “sub-enumerator”, and substituting
the words “census enumerator”. 35

**6. Duty of occupier and other persons abiding in
dwelling**—Section 26 (3) (including the proviso) of the principal
Act is hereby amended by omitting the word “sub-enumerator”
in both places where it appears, and substituting in each case
the words “census enumerator”. 40

7. New sections substituted—The principal Act is hereby amended by repealing section 37 (as amended by section 10 of the Statistics Amendment Act 1982) and substituting the following sections:

5 “**37. Security of information**—(1) Information furnished to the Statistician under this Act shall only be used for statistical purposes.

“**(2)** No person other than an employee of the Department who has made the statutory declaration specified in section 21
10 of this Act, shall be permitted to see any individual schedule or any answer to any question put under this Act except for the purposes of a prosecution or a proposed prosecution under this Act.

“**(3)** No information contained in any individual schedule and
15 no answer to any question put for the purposes of this Act shall, except for the purposes of a prosecution or a proposed prosecution under this Act, be separately published or disclosed to any undertaking or to any person not being an employee of the Department who has made the statutory declaration
20 specified in section 21 of this Act.

“**(4)** All statistical information published by the Statistician shall be arranged in such a manner as to prevent any particulars published from being identifiable by any person (other than the person by whom those particulars were supplied) as
25 particulars relating to any particular person or undertaking, unless—

“**(a)** That person or the owner of that undertaking has consented to their publication in that manner, or has already permitted their publication in that
30 manner; or

“**(b)** Their publication in that manner could not reasonably have been foreseen by the Statistician or any employee of the Department.

“**(5)** For the purposes of **subsection (4)** of this section the
35 Statistician shall make such office rules as he considers necessary.

“**(6)** **Subsections (2) and (3)** of this section apply notwithstanding any provision contained in the Customs Act 1966, the Inland Revenue Department Act 1974 or any other Act.

40 “**37A. Statistician authorised to disclose certain information**—Notwithstanding **section 37** of this Act, the Statistician may disclose the following information—

- “(a) Information supplied by a person or undertaking in respect of which disclosure is consented to in writing by the person, or a competent officer of the undertaking, who or which supplied it:
- “(b) Information available to the public under any Act or public document: 5
- “(c) Information in the form of an index or list of the names and addresses of individual undertakings, together with the industrial classification allotted to them and the number of persons engaged: 10
- “(d) Details of external trade, movement of ships, and cargo handled at ports:
- “(e) With the approval of the Minister, such particulars respecting individual fire, accident, and life insurance offices as are desirable in the public interest, not being information received through the Inland Revenue Department: 15
- “(f) Information supplied by a local authority.

“37B. **Disclosure of information collected jointly—** Notwithstanding **section 37** of this Act, particulars of any information collected jointly with a Government Department, local authority, or statutory body (whether corporate or unincorporated), pursuant to an agreement under section 9 of this Act and information collected under any enactment other than this Act and processed by the Department may be disclosed to that Government Department, local authority, or statutory body, and a completed or partly completed schedule obtained or an answer to any question put in the course of a joint collection, may be disclosed to any employee of that Government Department, local authority, or statutory body who has made a statutory declaration similar to the declaration of secrecy prescribed by section 21 of this Act. 20 25 30

“37C. **Disclosure of individual schedules to other Government Departments for bona fide research or statistical purposes—**(1) Notwithstanding **section 37** of this Act, the Statistician may disclose individual schedules to any officer of another Government Department solely for bona fide research or statistical purposes pursuant to the functions and duties of that Government Department. 35

“(2) No individual schedule shall be disclosed pursuant to this section unless— 40

- “(a) The name and address of the person or undertaking by whom the schedule was supplied is deleted; and

“(b) Every person involved in the research or statistical project makes a statutory declaration similar to the declaration of secrecy prescribed by section 21 of this Act; and

5 “(c) The Statistician is satisfied that the security of the schedules and any information contained in them will not be impaired.

“(3) The published results of any such research or statistical project shall not divulge any more information than the
10 Statistician could publish under this Part of this Act.

“(4) Every officer of a Government Department to whom any individual schedule is disclosed pursuant to this section, and that Government Department, shall comply with any directions given by the Statistician relating to the schedule and
15 the information contained in it.

“37D. **Disclosure of historical documents**—Notwithstanding section 37 of this Act, documents relating to individual schedules which have been the subject of an agreement between the Statistician and the Chief Archivist and classified
20 as historical documents may be released to the Archivist by the Statistician after a period of 100 years.

“37E. **Security of recorded information**—In respect of the statistical information which the Statistician collects pursuant to this Act, where such information from individual schedules,
25 worksheets, or any other confidential source 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 Statistician is hereby empowered to take and
30 shall take such steps as are necessary to ensure that the security provisions in this Act are complied with.

“37F. **Power of Statistician to release information to New Zealand Meat Producers Board and New Zealand Wool Board**—(1) For the purposes of this section,—

35 “ ‘Farmer’ means a person owning not less than 100 sheep, or owning not less than 100 cattle carried exclusively for the purposes of beef production:

“ ‘Meat Board’ means the New Zealand Meat Producers Board established under the Meat Export Control Act
40 1921-22:

“ ‘Wool Board’ means the New Zealand Wool Board established under section 4 of the Wool Industry Act 1977:

“ ‘Wool grower’ means a person carrying on business as a sheep farmer and owning not less than 100 sheep. 5

“(2) Notwithstanding **section 37** of this Act, but subject to **subsection (3)** of this section, the Statistician is authorised—

“(a) To supply, from time to time, to the Meat Board an index or list of the names and addresses of farmers; and 10

“(b) To supply, from time to time, to the Wool Board an index or list of the names and addresses of wool growers.

“(3) Disclosure, pursuant to **subsection (2)** of this section, of the name and address of any farmer or wool grower may take 15 place only where—

“(a) The schedule completed by that farmer or wool grower—

“(i) States that the Statistician is authorised in accordance with this section to disclose the name 20 and address of any person as a farmer or wool grower unless that person objects in the manner prescribed by the schedule or in writing to such disclosure; and

“(ii) States the purposes for which any information 25 disclosed under this section may be used; and

“(b) That farmer or wool grower does not object in the manner prescribed by the schedule or in writing to the disclosure of his name and address.

“(4) The Meat Board shall use the index or list supplied to 30 it under **subsection (2) (a)** of this section only—

“(a) For any of the purposes of regulations that prescribe the method of election of the members of the Meat Board who are appointed as representatives of producers of meat for export and who are so 35 appointed under section 2 (2) (b) of the Meat Export Control Act 1921-22; or

“(b) For the purposes of distributing to the farmers named in the index or list copies of the annual report and other publications of the Meat Board. 40

“(5) The Wool Board shall use the index or list supplied to it under **subsection (2) (b)** of this section only—

5 “(a) For any of the purposes of regulations that prescribe the method of election of the directors of the Wool Board who represent the wool growers of New Zealand and who are appointed under section 4 (2) (a) of the Wool Industry Act 1977; or

10 “(b) For the purposes of distributing to the wool growers named in the index or list copies of the annual report and other publications of the Wool Board.

15 “(6) Every person commits an offence who, being a person who has received an index or list supplied to the Meat Board or the Wool Board under **subsection (2)** of this section for any of the purposes referred to in **subsection (4)** or **subsection (5)** of this section, delivers that index or list to any other person for a purpose not connected with those purposes or uses any information acquired by him from that index or list for a purpose not connected with those purposes.”

8. Repeal—The principal Act is hereby amended by 20 repealing section 39.