

Bylaws to the National Statistical System Act

N. 28849-PLAN of the 24th of August of 2000. *La Gaceta* No. 162 of the 24th of August of 2000.

Last amendments:

- *Executive Decree N° 34880 of the 26th of September of 2008.*
- *Executive Decree N° 29535 of the 27th of April of 2001.*

THE PRESIDENT OF THE REPUBLIC, MINISTERS OF PRESIDENTIAL AFFAIRS,
NATIONAL PLANNING AND ECONOMIC POLICY

Whereas:

1°.- That in order to achieve an effective compliance of the provisions detailed in the National Statistical System Act No. 7839 of October 15, 1998, published in Section 77-B of *La Gaceta* No. 214 of November 4, 1998, and in accordance with Article 58 of the aforementioned Act, it is necessary to have bylaws that specify and explain the obligations, attributions and functions that the aforementioned Act demands from public entities that produce statistical information.

2°.- That the publishing and compliance of these Bylaws has the aim of allowing the optimum organization and operation of the National Institute of Statistics and Census as the governing body of all national statistics and coordinator of the National Statistical System.

Now therefore, hereby decree as follows:

Bylaws to the National Statistical System Act

I. Definitions

For the purpose of administering the provisions of these bylaws, the following definitions shall apply:

1. SEN: National Statistical System
2. INEC: National Institute of Statistics and Census.
3. Board of Trustees: Maximum authority of the INEC.
4. National Consultative Council on Statistics: Consulting body of statistical knowledge that has the purpose of advising informants, producers and users about national statistics.
5. Management: Superior administrative department of the INEC.
6. National Statistical Plan: Strategic document containing the statistics that shall be created by the SEN institutions, indicating each institution's responsibilities and the periodicity in which the publications shall be published.
7. National Statistics: Refers to the statistics rendered by a statistical service to the others.

II.- Chapter I. National Statistical System.

Article 1.- Concept and Aim.

The National Statistical System is the coordinating department of the institutions in charge of producing and disseminating national statistics.

Article 2.- Structuring of the SEN.

The National Statistical System is structured by centralized and decentralized public institutions and other public entities that create statistics for state purposes or that generate useful information –by means of administrative files- that are useful for the production of national statistics.

Article 3.- Functions of the entities that structure the SEN.

SEN entities shall have the following functions:

- a. Deliver information being requested by the INEC within the time frames provided in the Act.
- b. Compile and manage data in compliance with the principles of confidentiality, transparency, specialization and proportionality that govern the matter, in accordance with Article 4 of the Act.
- c. Apply the same standard system of concepts, definitions, statistical units, classifications, nomenclatures and codes that enable the comparison, integration and analysis of data and results.
- d. Create statistical plans in their field of competence.
- e. Participate in their field of competence, in coordination with the INEC, in the creation of the National Statistical Plan referred to in Article 14 of the Act.
- f. Use, for statistical purposes, data resulting from its management.
- g. Create the directories that enables them to generate statistics for national purposes.
- h. Publish and disseminate the results and methodological characteristics of the statistics of national interest that they produce.
- i. Organize the statistical records and files of the National Statistical Plan, to ease their storage and delivery to the users of the information contained in such records and files, as prescribed by current law.
- j. Define within its organization, the office that shall serve as the INEC's counterpart for purposes of production, processing, supply and analysis of statistical information.
- k. Include in their budgets the resources necessary to create the statistics of the National Statistical Plan they are responsible of, as well as the resources necessary for the development of computer and methodological systems that allow an efficient and appropriate delivery of statistical information.

I. Any other statistical function that the regulations command them.

Article 4.- Information exchange between SEN entities.

SEN public entities shall be authorized to exchange files and documents containing individual information, but always in compliance with the principle of information confidentiality, as prescribed by national laws, and on the condition that no individual information is published.

Article 5.- Submission of information to the INEC.

Submission of information to the INEC, as referred to in the Act and these Bylaws, by SEN entities and other entities that manage statistical data, shall comply as follows:

- a. Be delivered in the time frames and deadlines established in the calendar created for such purpose and published by the INEC in the government's newspaper *La Gaceta*.
- b. Be accurate, true and complete.
- c. Be presented in the formats, forms and magnetic means defined for such purposes by the INEC.
- d. Be sent by the person in charge of its management within the entity.
- e. Be expanded or clarified with efficiency when the INEC requests such clarification.

III.- Chapter II. Institutional support of the SEN and creation of the National Institute of Statistics and Census.

Article 6.- Legal nature.

The National Institute of Statistics and Census is an independent public institution that has its own legal status and assets and possesses functional and administrative independence.

Article 7.- Purpose.

The National Institute of Statistics and Census is created to be the technical entity governing national statistics and coordinating the SEN.

Article 8.- Powers and responsibilities of the INEC.

For the production of national statistics, the INEC, in addition to the powers detailed in Article 13 of the Act, shall have the following powers:

- a. To design strategies, plans and projects for the production of national statistics.
- b. Coordinate, with other SEN entities, everything necessary for the production of national statistics.

- c. Make an inventory of information submitted by SEN entities, as well as other information it deems necessary.
- d. Coordinate the acquiring of resources needed for the execution of SEN projects and programs.
- e. Promote interinstitutional and international cooperation agreements to develop research works involving the information produced by the SEN.

Article 9.- Functions of the INEC.

For the purpose of achieving the objectives and attributions set out in this Act and its Bylaws, the functions of the INEC shall be as follows:

- a. Periodically review the functioning of its organic structure and make the adjustments needed to achieve its objectives successfully.
- b. Define training and research strategies in the statistical field in accordance with the purposes of the SEN, for such purpose, it shall prepare a periodic inventory of research projects and propose them to the Board of Trustees.
- c. Coordinate the production of a national statistical plan and submit it to the Consultative Council for their knowledge and to the Board of Trustees for their approval.
- d. Support research and activities carried out by SEN public entities for the creation of censuses.
- e. Formulate the annual operations plan that shall be based on the ordinary budget and submitted for approval to the Board of Trustees in the first week of August of each year. The plan shall be approved by the aforementioned authority before the 30th of September of each year.
- f. Keep updated records of national statistics and annual statistical reports with the information produced by all the system.

Article 10.- Production of statistics and research.

The types of statistics produced by the INEC shall be:

- a. National
- b. Of institutional interest
- c. Of particular interest.

Article 11.- National Statistics.

National statistics are those that provide useful information for the execution and evaluation of development projects and that are produced by SEN entities.

Article 12.- Statistics of institutional interest.

Statistics of institutional interest are those statistics that the INEC's authorities commands to produce.

Article 13.- Statistics of particular interest.

Statistics of particular interest are those that the INEC decides to produce by request of particular persons or bodies, provided always that the solicitors pay the cost of their production.

Article 14.- Creation of a National Statistical Plan.

The National Statistical Plan shall define the permanent and special programs to be carried out by the SEN and shall identify the resources needed for their execution, in addition to the monitoring and evaluation procedures of each program, and shall be submitted to the National Consultative Council for its consideration, as mentioned in Article 24 of these Bylaws. Its final approval shall be competence of the Board of Trustees, whose agreement shall be published in the government's newspaper *La Gaceta*.

IV.- Chapter III. Basic institutional structure.

Article 15.- Institutional structure.

In order to comply with the purposes of the SEN and the INEC as provided by the Act, a basic institutional structure shall be composed by the Board of Trustees, the National Consultative Council on Statistics, the Management and the Internal Auditor. The attributions and functions of these authorities are detailed in the respective rules and regulations.

Article 16.- About the Board of Trustees.

The Board of Trustees is the central authority of the SEN and the maximum authority of the Institution and its appointments, structuring, attributions and functions shall be governed by the Act and its Bylaws.

Article 17.- About the Management.

The Management shall be the body of highest rank of the Institute and shall be appointed with its judicial and non-judicial representation, it shall be responsible for its good progress and compliance with the Act and the directions given by the Board of Trustees.

Article 18.- Management's responsibilities.

Besides the responsibilities provided in the Act and its Bylaws, the Management shall coordinate the National Statistical Plan with the effective participation of the INEC's technical and operative departments and other SEN entities that have a role in the plan.

Article 19.- Authority for the creation of committees.

For the development of the SEN's objectives, the Management shall establish the necessary technical, professional and specialized committees that shall be responsible for the programming and execution of institutional activities, and shall coordinate the appropriate functioning of each committee.

Article 20.- About the Assistant Management.

The Assistant Management shall be the administrative department in charge of the Administrative and Financial Area.

Article 21.- About the National Consultative Council on Statistics.

The National Consultative Council on Statistics is a department of consultative nature that shall see the matters detailed in the National Statistical System Act and these Bylaws, and its configuration and appointments shall be made in accordance with Article 39 of the Act.

Article 22.- About the Internal Audit and Legal Departments. *

The main function of the Internal Audit Department shall be to verify compliance, sufficiency and validity of the internal control system established by the Institution. The rest of the operating aspects of this department are detailed in its respective Rules and Regulations. The main function of the Legal Department shall be to advise about, and carry out, all legal matters for the Management and Board of Trustees of the Institute. Additionally, it shall provide advice in substantial and administrative aspects related to current laws, administrative hiring, and working regimes, among others.

**Amended by Article I of Executive Decree N° 29535 of the 27th of April of 2001.*

Article 23. - Substantial dependent departments of the INEC.

In addition to the entities detailed in the above Articles, the departments configuring the organizational and operative structure of the MIDEPLAN shall be part of the INEC's administrative support. These departments are detailed in the organizational and institutional service manual.

V.- Chapter IV. Requirements and management of information for the development of the SEN's objectives.

Article 24.- Concept and general characteristics.

In order to achieve the SEN's objectives, SEN entities are required to submit requested information in the formats and classifying system determined by the INEC. In every case, information requests by the INEC shall indicate the nature, characteristics and purposes of the statistics being produced.

Article 25.- Confidential treatment of information.

Except for information coming from public institutions and non-state public institutions, all data obtained in accordance to this Act, shall be treated in accordance with the principles of confidentiality and discretion and shall not be submitted or disseminated in any case in an individual manner or constitute evidence before any administrative or tax authority, either in court or out of court.

Article 26.- Dissemination of statistical information.

Statistical information to be disseminated may not refer to data related to less than three units, or submitted for tax purposes or any other purposes and shall be registered in such a way that the informant's anonymity is preserved.

Article 27.- Creation of statistical annual reports.

During the first three months of each year, the INEC shall create and publish calendars with the national statistical information of the SEN.

Article 28.- Dependent departments and people that shall submit information.

With the purpose of accomplishing the SEN's objectives as detailed in the Act and its Bylaws, the INEC shall request information from SEN institutions, public departments that process statistical information, and legal and natural personas.

Article 29.- Submission of information.

SEN institutions shall submit information requested by the INEC in the time-frames established in Article 7 of the Act, otherwise they shall be held liable as determined by Articles 43 and subsequent of the Act.

Article 30.- Submission of information by other public departments that process statistical information.

Any other public department that processes strictly statistical information, even if they are not part of the SEN, shall submit information, provided always that the information is not classified as state secret or by any other special protection.

Article 31.- Information requests to legal and natural persons.

The SEN, through the INEC, may also request information from legal and natural persons with residency in the country, and who carry out commercial, industrial, agricultural, manufacturing, service, education and cultural activities, as well as those non-profit civil associations, in addition to international bodies, that carry out works of statistical nature through agreements, in accordance with the purposes of the system.

In these cases, confidentiality of information shall be guaranteed and the dissemination and publishing of information shall be made on global figures, using information coming from at least three legal or natural persons, so individual figures or facts may not be obtained through exclusion.

Article 32.- Departments in charge of processing and disseminating statistical information.

Authorities from SEN institutions shall determine the department or officer responsible for the production and dissemination of the national statistics they're commanded to produce.

Article 33.- Obligation to maintain confidentiality over managed data.

Officers responsible of the production of statistics have the obligation of maintaining confidentiality about them, either if they are preliminary or definite, until they have been disseminated.

VI.- Chapter V. Sanctions regime for noncompliance of the provisions of the Act

Article 34.- Obligations of public officers.

Public officers who manage statistical information shall be obliged to strictly comply with the Act being regulated by these Bylaws and any other related act in terms of information confidentiality; otherwise, they shall be subject to the sanctions provided in the Act.

Such obligations shall persist even after the persons obliged to maintain confidentiality have concluded their professional activities or are linked to any statistical services.

Article 35.- Sanctions regime for INEC's officers.

INEC's officers that fail to comply with the provisions established by the Act shall be sanctioned in accordance with Article 48 of that Act, and shall be processed under an administrative proceeding with strict observance of the due process.

Article 36.- INEC's obligation of making public any infractions to the Act by departments that manage statistical data.

In cases where the INEC has knowledge of any infractions to the Act by any officer from a SEN institution, or from any other institution that manages statistical information, it should communicate this to the respective institution in a maximum term of eight days after having knowledge about the situation, for which it shall submit evidence to support its complaint, so that the institution may proceed to make the relevant investigations and impose the corresponding sanctions.

Article 37.- Sources responsible for the dissemination of statistical information.

All information published by the INEC and other SEN institutions shall indicate the responsible sources.

VII.- Chapter VI. Financial and resource regime of the INEC.

Article 38.- About financial sources.

The INEC shall count on the following financial sources:

1. Budget allocated by the Government of the Republic materialized in the ordinary and extraordinary budgets.
2. Transfers, contributions and donations coming from public institutions interested in the processing of national statistical information useful for their purposes.
3. Resources coming from international cooperation for the funding of projects.
4. Money coming from the sales of services.

5. Contributions from legal or natural persons in payment of design, execution, processing and publishing tasks of statistical information.

6. Any funds coming from loans.

Article 39.- Equipment contributions from other institutions.

Besides the financial resources detailed in the above section, the INEC may receive contributions from other public institutions in the form of transportation, computer equipment and materials and different supplies in order to satisfy the purposes of this Act.

Article 40.- Funding of the annual budget. *

Funding of the annual budget shall be made as provided by Article 32 of Act No. 7839 of October 15 of 1998, through a money transfer from the Ministry of Tax contained in the budget of the Ministry of National Planning and the Ministry of Economic Policy.

**Amended by Article 1° of Executive Decree N° 34880 of September 26th of 2008.*

Article 41.- About ordinary and extraordinary budgets.

INEC's ordinary and extraordinary budgets shall be prepared by the Management in strict compliance with the guidelines established by the Board of Trustees and in accordance with the budgetary guidelines issued by the Technical Secretary of the Budgetary Authority.

Article 42.- About the sales of services.

The INEC, in accordance with Article 18 of the Act, is authorized to sell services. Regarding the production of statistics and research of specific interest for users, the public or private organisms, a structure of prices to be collected from the clients -in which the direct and indirect expenses of the production and a percent of general expenses shall be included- shall be determined in accordance with financial and accounting norms, in relation to the time the service took to be completed (depreciation of furniture, equipment, use of vehicles, personnel's salaries and wages, social fees, among others).

Article 43.- Costs of services.

The services for which the INEC shall charge fees are the following:

- a. Reprinting of census maps.
- b. Certifications.
- c. Design and selection of samples.
- d. Tabulation and statistical tables of research from censuses or surveys.
- e. Compilation of special information for specific purposes.

- f. Periodic and specific publications.
- g. Databases.
- h. Photocopies.
- i. Anything else determined by the Board of Trustees.

Article 44.- Cost studies for the sale of services.

The INEC shall create periodic cost studies to update the prices of statistical products and services. These services shall be paid with direct payments, and every income shall be registered with an income slip.

Article 45.- Types and costs of services sold by the INEC.

The Board of Trustees shall issue and agreement with a list of the costs of the aforementioned services, which shall be published in the government's official newspaper *La Gaceta*.

Article 46.- Request of contribution of resources.

The INEC shall request, from public institutions who are interested in having information related to the SEN, a contribution of resources, in relation to their requests. In each case, an inter-institutional agreement shall be established to detail the form in which the costs of the activities necessary to carry out the service shall be paid for.

VIII.- Term

Article 47.- In effect.

These Bylaws shall be in effect at the time of their publishing in the government's official newspaper *La Gaceta*.

IX.- Transitional Provisions

Article 48.- Publishing of statistics of national interest.

The Board of Trustees –in a term no longer than six months after the publishing of these Bylaws- shall publish in *La Gaceta*, a list of national statistics that allow a trustworthy and appropriate production and dissemination of information for the comprehensive knowledge of Costa Rican reality and thus contribute to the making of political decisions and public and private administrative managements.-----
