

Law of Georgia on Official Statistics

Chapter I General Provisions

Article 1. The Goal of the Law and the Scope of Regulation

1. The goal of the Law is to ensure producing independent, objective and reliable statistics in the country based on the internationally recognized basic principles of statistics.

2. The Law defines the essence, goal and principles of the official statistics and prescribes the legal foundations for producing the statistics and storing and disseminating the information derived as a result of producing the statistics, and for conducting the census of the population. The Law defines the system of the bodies responsible for the official statistics and the functions thereof.

Article 2. Georgian Legislation Governing the Field of Official Statistics

The Georgian legislation governing the field of official statistics consists of the Constitution of Georgia, the international agreements and treaties of Georgia, the present Law and other legislative and sub-legislative normative acts.

Article 3. Definitions

The terms used in this Law have the following meanings

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| a) Administrative Source | The state register or any other data base which are produced or maintained, in electronic and in any other form, by the administrative body |
| b) Administrative Body | The body as defined in Subparagraph A, Paragraph 1, Article 2 of the General Administrative Code of Georgia |
| c) Confidential Statistical Data | Any information collected for the statistical purposes allowing for identification of observation unit and through which it is possible to identify such data. |
| d) Census of the Population | The unified process of acquiring, processing, evaluating, analyzing, generalizing and publishing the data |

characteristic for the social, economic and demographic conditions of the population of the country at a particular moment.

e) Official Statistics

The system of statistical measures carried out within the statistical activity program based on which statistical data of social, economic, demographic and environment conditions of the country are acquired. The statistical data produced by the National bank of Georgia in line with the function set out in Subparagraph H, Paragraph 3 of Article 3 of the Organic Law of Georgia on National bank of Georgia, as well s the statistical data produced by other administrative bodies provided that they are produced in observance of the methodology and standards which are in line with their international analogues and are approved/recognized by the Board of Geostat.

f) Statistical Survey

A survey conducted exclusively for the statistical purpose and which is based on collecting data on the statistical units.

g) Statistical Unit

An element of data which is subject to the statistical survey and is the subject of statistical activity.

h) Statistical Activity Program

A long term annual plan approved by the President of Georgia which consists of the list of works to be carried out and their implementers, the frequency of observation and dates of publishing (*24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013*).

i) Household

A group of persons who observe the rules of common living and occupy a single dwelling and are connected by the shared budget (or a part thereof), and by relative

or non-relative relationships (a household may consist of one person).

j) Geostat

The National Statistics Office of Georgia, the legal entity of public law.

Article 4. Basic Principle of Official Statistics

1. Producing the statistics and the dissemination of the information derived as a result of producing the statistics shall be based on the following basic principles of official statistics:

a) Professional Independence

Producing the statistics and disseminating the information derived as a result of producing the statistics shall be independent from the influence of political and/or interest groups.

b) Objectivity

The statistics shall be produced and the information derived as a result of producing the statistics shall be disseminated on a systematic basis with the reliability and impartiality being observed. This implies the observance of professional and ethical standards in the course of producing the statistics and ensuring the transparency of the policy and practice performed and securing equal access to the statistical data for all the users.

c) Reliability

The statistics shall be produced correctly, precisely and consistently, which implies the use of scientific criteria in order to select statistical standards, methodology and resources, as well as the openness of the methodology to be applied as a basis for producing the statistics.

d) Confidentiality of Statistical Data

Confidential information related to the observation unit, which was collected from the administrative or other sources for the statistical purpose. This information may not be used for non-statistical purposes or disseminated illegally.

e) Efficiency

The expenses incurred in producing the statistics shall be commensurate with significance of the result and the benefit derived.

2. Producing the statistics and disseminating the information derived as a result of producing the statistics shall be in compliance with the international standards and practice.

Article 5. Cooperation with the International and Local Organizations

1. In view of the basic principles set out in Article 4 of the present Law it is important that Geostat cooperate with the international and local organizations in order to effectively produce the official statistics.

2. The goal of international cooperation in the field of statistics is to introduce the international practice and methodology and share relevant experience based on the agreements and treaties concluded with the international organizations engaged in this field.

3. Cooperation with the local organizations means the cooperation and coordination of the Geostat with the bodies producing the statistics in order to effectively produce the statistics.

Article 6. Legal Status of the Geostat

According to the Georgian legislation the Geostat is a legal entity of public law (LEPL) established for producing and disseminating the information. The Geostat independently carries out its activities based on the Georgian legislation.

Chapter II

Competences, Structure and Funding of the Geostat

Article 7. Competences of the Geostat

1. The following shall be the competences of the Geostat:

a) Work out a unified policy for the field of statistics and secure coordinated cooperation with its territorial units and other bodies producing the statistics;

b) Work out a statistical activities program;

c) Carry out statistical activities set out in the statistical activity program, which includes the following:

c.a) Conduct of statistical surveys;

c.b) Process the administrative data exclusively for the statistical purpose;

c.c) Process the data on the observation unit;

c.d) Produce the schedule for promulgation of the statistical data and ensure its publicity;

c.e) Disseminate the statistical data in observance of the schedule and secure the equal access to the statistical data for all the users;

c.f) Work out the statistical methodology and standards in line with their international analogues and facilitate their introduction;

d) Conduct the census of the population;

- e) Produce the annual progress report;
 - f) Establish statistical territorial units and define their scope of work;
 - g) Carry out other activities as defined in the present Law and the Charter of the Geostat.
 - f) Establish statistical territorial units and define their scope of work;
 - g) Carry out other activities as defined in the present Law and the Charter of the Geostat.
2. The Geostat shall produce the statistics based on the methodology and standards which are in line with their international analogues and are approved/recognized by the Board of the Geostat.
3. Based on a relevant agreement the Geostat shall be authorized to produce the statistics which is not envisaged by the statistical activity program.
4. The Geostat may not carry out any activity which contradicts the basic principles of official statistics as defined in Article 4 of the present Law and the goals and priorities identified by the Government.
5. Specific competencies of the bodies of the Geostat shall be defined in the charter of the Geostat. The charter of the Geostat shall be submitted by the Executive Director of the Geostat and be approved by the Government of Georgia. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

Article 8. Executive Director of the Geostat

1. The Executive Director shall lead the Geostat and he also shall act as the Chairmen of the Board of the Geostat.
2. Out of the Board members envisaged by Item 4, Article 11 of the present Law the Board of the Geostat shall nominate the Executive Director who shall be appointed for the term of 4 years and may be dismissed by the Prime-Minister of Georgia *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*
3. The Executive Director shall have at least 1 Deputy Director who shall carry out the responsibilities of the Director in case of his absence.
4. The Deputy Executive Director shall be appointed and dismissed by the Executive Director.
5. The Executive Director shall carry out the functions set out in the present Law and the charter of the Geostat through the staff of the Geostat.
6. The requirements of Georgian legislation in regard of the conflict of interests shall apply to the Executive Director.

Article 9. Executive Director

1. The functions of Executive Director shall be the following:
- a) Lead the Geostat;
 - b) Develop the statistical standards and methodology to be used in the course of carrying out statistical activities and submit them for approval to the Board of the Geostat;
 - c) Develop the statistical activity program and submit it for approval to the President of Georgia; *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

- d) Work out the methodology in compliance with the international standards for census of the population and submit it for approval to the Board of the Geostat;
- e) Develop the population census program and submit it for approval to the Governmental Coordination Commission for Census;
- f) Develop the list of staff and the salary funds and submit them for approval to the Board of the Geostat;
- g) Appoint and dismiss the staff members of the Geostat;
- h) Work out the draft budget of the Geostat according to the statistical activity program;
- i) Submit the Geostat's annual progress report to the Government of Georgia and the Parliament of Georgia; (*24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013*).
- j) Ensure publicity of the Geostat's annual progress report approved by the Board of the Geostat;
- k) Carry out the other functions as defined by the charter of the Geostat and the Georgian legislation.

2. The Executive Director shall be authorized to invite foreign or local experts on the contractual basis in accordance with the recommendations of the members of Board of the Geostat in order to ensure effective operation of the Geostat.

3. The Executive Director submits the Geostat's annual progress report to the Government of Georgia and the Parliament of Georgia not later than May 1 of each year. (*24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013*).

4. The report envisaged by Item 3 of this paragraph must include information on:
(26.10.2010 No 3755)

- a) Activities carried out of the statistical system during the year;
- b) Execution of the Geostat's budget.

Article 10. Sources of Funding the Geostat

The sources of funding the Geostat shall be:

- a) The state budget of Georgia, on an annual basis, and in accordance with the Law of Georgia on the State budget;
- b) The fees charged for the services provided;
- c) The grants issued by a donor as defined in Article 3 of the Law of Georgia on the Grants;
- d) Other sources as allowed by the Georgian legislation.

Chapter III

Board of the Geostat

Article 11. Board of the Geostat

1. The Board of Geostat (hereinafter, the Board) shall function at the Geostat.
2. The Board shall consist of 7 members and a Chairman.
3. . Out of 3 members of the Board 1 member shall be a representative of the National Bank of Georgia, 1 – a representative of the Ministry of Economy and Sustainable Development of Georgia, and 1 – a representative of the Ministry of Finance of Georgia. (22. 03.2011. No 4469)
4. The other 5 members of the Board shall not be public servants.

Article 12. Appointment of the Board Members

1. The managers of relevant agencies defined by Item 3, Article 11 of the present Law shall submit for approval the nominations of the candidates to the Prime-minister of Georgia. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

2. The persons envisaged by Item 4, Article 11 of the present Law shall be appointed by the Prime-minister of Georgia at the consent of the Parliament of Georgia in accordance of the rules established by this Article. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

3. The Prime-minister of Georgia shall present 8 candidates for the existing 5 vacancies to the Parliament of Georgia for approval and in case the vacancies are less than 5 the number of candidates shall exceed the total number of vacancies by at least one. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

4. Within 21 days from the date of submitting the nominations, and within 2 weeks from the date of renewal of the session in case the Parliament recesses, the Parliament of Georgia shall give consent by secret ballot to the Prime-minister of Georgia to appoint the members of the Board. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

5. The consent shall be deemed to be given provided that the candidate nominated for the vacancy receives the majority votes of the Members of the Parliament of Georgia attending the plenary session that shall not be less than 1/3 of the total number of the members of the Parliament of Georgia.

6. If the number of candidates having received the votes of more than 1/3 of the total number of the members of the Parliament of Georgia, exceeds the available vacancies the consent shall be regarded to be given to the candidate who has received more votes.

7. In case the candidates receive the equal number of votes re-voting shall be conducted among the candidates who have received the equal number of votes.

8. If a candidate nominated for a vacancy has not received sufficient votes the Prime-minister of Georgia shall present new candidates for the relevant vacancy to the Parliament of Georgia within 21 days according to the rules established by this Article. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

9. The members of the Board shall be appointed by the Prime-minister of Georgia after the Parliament of Georgia gives its consent. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

10. The term of office of the members of the Board envisaged by Item 3, Article 11 of the present Law shall be the same as the term of office of the relevant positions the members held in the public service.

11. The term of office of the members of the Board envisaged by Item 4, Article 11 of the present Law shall be 4 years. No person may be appointed as a member of the Board for two terms in succession.

12. The qualifications required of the Board members and relevant procedures for their appointment shall be defined in the charter of the Board based on the present Law.

Article 13. Functions of the Board

The functions of the Board shall be the following:

- a) Submit relevant recommendations with regard to the statistical activities of the Geostat;
- b) Review the statistical activity program submitted by the Executive Director of the Geostat and work out relevant recommendations;
- c) Review and approve the annual progress report submitted by Executive Director of the Geostat;
- d) Review the statistical standards and methodology to be used in the course of statistical activities, work out recommendations, and approve them, or accept the international standards and methodology;
- e) Approve the methodology that is in compliance with the international standards for the census of population;
- f) Work out relevant recommendation for the population census program;
- g) Review and approve the list of the staff and the salary funds of the Geostat;
- h) Review the draft budget of the Geostat and work out relevant recommendations;
- i) Work out and approve the charter of the Board, which shall define the operations of the Board and the decision making procedures;
- j) Other activities as defined in the present Law and the charter of the Board.

Article 14. Basis for Termination of Authority of the Board Member and the Executive Director

1. The basis for termination of authority of member of Board shall be the following:

- a) A personal statement made by the member;
- b) The member has been declared legally incapable, or has been declared missing or dead by a court;
- c) A court judgment of guilty against the member has entered in legal force;
- d) Death.

2. In addition to the basis set out in Item 1 of this Article the basis for termination of authority shall also be the following:

- a) In case of the member of the Board envisaged by Item 3, Article 11 of the present Law:
 - a.a) Violation of the requirements of the legislation of Georgia governing the conflict of interests;
 - a.b) Termination of holding a relevant position in the public service;
- b) In case of the member of the Board envisaged by Item 4, Article 11 of the present Law:
 - b.a) Elapse of the term of office as a member of the Board;
 - b.b) Failure to carry out the authority as a member of the Board during 2 months for an illegitimate reason;

- b.c) Fill in a position in the public sector;
- c) In case of the Executive Director of the Geostat:
 - c.a) Violation of the requirements of the legislation of Georgia governing the conflict of interests;
 - c.b) The term of office of the Executive Director elapsed.

3. The authority of member of the Board shall be terminated by the Decree of the Prime-minister of Georgia. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

4. The Executive Director may be dismissed by the Prime-minister of Georgia. *(24.09.2013. N1292 shall enter into force from the moment of inauguration of the President of Georgia elected as a result of presidential elections of October 2013).*

Chapter IV Other Statistics Producing Bodies

Article 15. The Function of the National Bank of Georgia in the Field of Official Statistics

Based on the function defined in Subparagraph H, Paragraph 3, Article 3 of the Organic Law of Georgia on the National Bank of Georgia in the field of the official statistics, the function of the National bank of Georgia is to produce the statistics in compliance with the international standards and methodology.

Article 16. Official Statistics Produced by the Administrative Bodies

1. The state and local self-government bodies, legal entities of public law and other administrative bodies shall produce the official statistics taking into consideration the goals and objectives of their activities, and responsibilities observing the methodology and standards which are in line with their international analogues and are approved/recognized by the Board of Geostat.

2. The Geostat shall secure coordinated work with the official statistics producing bodies and shall issue recommendations on the statistical standards and methodology necessary for producing the statistics. The Geostat shall coordinate exchange of information among the administrative bodies in order to produce the statistics and shall facilitate effective implementation of the statistical standards and methodology approved.

Article 17. Purpose of the Census

The census shall be conducted at all administrative and territorial units of Georgia in order to acquire accurate data on the population which is necessary to identify the demographic situation of the population in the country and identify priorities for social and economic development as well as to inform the public at large.

Article 18. Citizens' Obligation

1. Every citizen of Georgia, as well as every foreign national and stateless person residing on the territory of Georgia shall be obliged to participate in the census.

2. It is prohibited to request from a person to present any document during the census.

Article 19. Basic Principles of Census

The following shall be the basic principles of census:

- a) Pervasiveness of census;
- b) Frequency of the census;

c) Conduct the census on the territory of the country through unified program and procedures;

d) Obtain the statistical data through individual registration of each household and members thereof;

e) Conduct the census on the whole territory of Georgia at the same time, except for the cases when:

e.a) it is difficult to reach some mountainous places and hardly accessible settlements in Georgia in the course of the census. At such places the census shall be carried at a certain time taking into consideration the circumstances in the settlements;

e.b) It is not feasible to conduct the census on the specific territory due to the reasons independent of the Geostat.

Article 20. Population Census Program and the Census Date

1. The census shall be carried out based on the census program. The Executive Director of the Geostat shall develop the census program and submit it for approval to the Governmental Coordination Commission for Census.

2. The census date for each census shall be determined in the population census program.

3. When it is difficult to reach some mountainous places and hardly accessible settlements in Georgia in the course of the census, the census shall be carried out at a certain time taking into consideration the local circumstances of the given settlement.

Article 21. The Bodies Responsible for Conducting the Census

1. The Geostat shall be responsible for preparing, conducting and processing the data obtained as well as for publishing and disseminating the results.

2. No later than 3 months before the census date at the nomination of the Executive Director and on the basis of the Executive Decree the Governmental Coordination Commission for Census (hereinafter, the Commission) shall be established in order to solve the matters related to preparing and conducting the census in a timely manner as well as to ensure the coordination of the actions of the [state] executive authorities.

3. The Geostat shall develop the population census program and consider the methodological and organizational matters, as well as identify the list of activities to be carried out at the central and regional levels along with setting implementation deadlines and identifying the implementers. The Commission shall approve the population census program.

4. The Chairman of the Commission shall be a member of the Government of Georgia. The Chairman shall be appointed by the Prime Minister of Georgia.

5. The operational procedures and activities of the Commission shall be defined in the charter of the Commission. The charter shall be approved by the Government of Georgia.

6. The Commission shall continue its operations for no less than 6 months from the date of conducting the census.

Article 22. Trial Census

1. A trial census shall precede a primary census by 2–2.5 years in order to organize the census, to test the drafts of methodological provisions and the technological process intended for processing the materials thereof and train the specialists responsible for preparing and conducting the census.

2. The goal of the trial census is to establish as to what extent are acceptable the population census program, the census documentation's form and content, the effectiveness of explanatory

work, relevant coding system of questions, the technological process of automatic processing of the census materials, etc.

3. After the conduct of the census, when appropriate, the Geostat shall be authorized to change the population census program and the methodology that shall be approved by the resolution of the Commission.

Article 23. Publishing the Census Results

Preliminary results of the census shall be published within 6 months from the date of conducting the census and the final results shall be published no later than 18 months.

Article 24. Storage of the Census Results

The census results in hard copy shall be stored until all the census results are published. The information in electronic form shall be stored with an unspecified term.

Chapter VI

Collecting, Disseminating, Storage and Observing Confidentiality of Statistical Data

Article 25.

The Obligation to Provide Statistical and other Information

1. The Geostat shall be authorized to request from the administrative bodies and other physical and legal entities and receive all the statistical and other information (including confidential information) from them necessary for carrying out its functions.

2. Upon the request and according to the legislation of Georgia the administrative bodies shall be obliged to provide the Geostat with the information on physical and private entities (including confidential information) available to them.

Article 26. Access to the Statistical Data and their Storage

1. Statistical data shall be public except for the data which allows for identification of observation unit.

2. Statistical data, except the census statistical data, shall be stored in hard copy until it is completely published and in electronic form - for 20 years.

Article 27. The Revenues Received as a Result of Disseminating Statistical Data and Publications

1. Within the statistical activity program the Geostat shall:

- a) Furnish all the users with the statistical data in electronic form free of charge;
- b) Charge all the users except the administrative bodies for the printed statistical publications furnished.

2. Beyond the statistical activity program the revenues to be received from the statistical activities carried out on the contractual basis shall be defined in relevant contracts.

3. The dissemination of statistical data beyond the statistical activity program may be chargeable. The types and tariffs of the data stipulated in this paragraph are determined by the Geostat's Board pursuant to the recommendation of the Executive Director. (2.07.2010. No 3293)

4. The revenues received according to the paragraphs 2 and 3 of this Article are used to maintain the Geostat's activities. (2.07.2010. No 3293)

Article 28. Observing Confidentiality of Statistical Data

1. The data collected for the purpose of producing official statistics shall be confidential if it allows for identification of observation unit or it is possible to identify such data through it.

2. The confidential statistical data shall not be issued or disseminated or used for a non-statistical purpose but for the exceptions envisaged by the Georgian legislation.

3. When producing the official statistics it is obligatory to destroy or store separately the identity data including the questionnaires containing such data and used for statistical surveys according to the rules defined in the Georgian legislation.

Article 29. The Obligations and Responsibilities of the Employees of the Geostat

1. The confidential statistical data collected and processed for the purpose of statistical survey shall not be used or disseminated either for the personal, academic, research or any other activities, by the employees of the units of the Geostat.

2. The Geostat units shall be obliged to secure dissemination of true statistical data.

3. Violation of the provisions set out in the present Law by the employees of the Geostat units will lead to imposing a disciplinary responsibility against them.

4. In view of the guilt or/and the damage inflicted the Executive Director shall impose the following disciplinary penalties: warning, withholding a salary and/or dismissal.

Chapter VII

Transitional and Final Provisions

Article 30. Transitional Provisions

1. No later than 10 working days from the date when the present Law comes into effect the reorganization of the Department of Statistics, the state subordinated body of the Ministry of Economic Development of Georgia, shall be announced and completed till 1 February 2010.

2. As a result of the reorganization the Department of Statistics, the state subordinated body of the Ministry of Economic Development of Georgia, shall be established as National Statistics Office of Georgia, the legal entity of public law (LEPL). The Geostat shall be deemed established as of the moment of the appointment of the acting Executive Director and the approval of the charter of the Geostat.

3. Upon the completion of the reorganization the President of Georgia shall appoint the acting Executive Director and approve the charter of the Geostat.

4. The acting Executive Director of the Geostat shall lead the Geostat until the first composition of the Board of the Geostat is appointed.

5. No later than 30 work days from the date when the present Law comes into effect the President of Georgia shall present the candidates of the members of the Board to the Parliament of Georgia. The candidates shall be nominated and appointed in accordance with Article 12 of the present Law.

6. The Geostat shall be a legal successor of the Department of Statistics, the state subordinated body of the Ministry of Economic Development of Georgia.

Article 31. Final Provisions

1. The present Law, except Articles 1-29 and Item 3 of Article 31 of the present Law shall come into force upon its publication.

2. Articles 1-29 and Item 3 of Article 31 of the present Law shall come into force as of 1 February 2010.

3. The following [acts] shall be considered invalid:

a) The Law of Georgia on Statistics, dated 12 November 1997 (the Parliamentis Utskebani, N46, 3.12.1997, page 58);

b) The Law of Georgia on the Census of the Population, dated 12 October 2001 (the Sakartvelos Sakanonmdeblo Matsne, N31, 01.11.2001, Art. 122).

President of Georgia Mikheil Saakashvili

Tbilisi

11 December 2009

N 2291 – rs