

# Statistics (Amendment) Bill

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**Bill No. 24/2009.**

*Read the first time on 23rd November 2009.*

A BILL

*intituled*

An Act to amend the Statistics Act (Chapter 317 of the 1999 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

### Short title and commencement

1. This Act may be cited as the Statistics (Amendment) Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 2

2. Section 2 of the Statistics Act is amended —

(a) by deleting the definition of “competent authority” and substituting the following definitions:

10 ““anonymised microdata” means particulars or information pertaining to any person which is in a form that conceals or protects the identity of that person, whether by presenting such particulars or information in statistical form or otherwise, such that the identity of that person cannot be readily discovered or ascertained from the particulars or information;

15 “public agency” means a public officer, an Organ of State or a ministry or department of the Government, or a public authority established by or under any written law for a public purpose or a member, an officer or an employee thereof;” and

20 (b) by deleting the full-stop at the end of the definition of “requisition” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

25 ““research and statistics unit” means a research and statistics unit specified in the Second Schedule;

“statistical purposes” means the compilation of statistics or the preparation of anonymised microdata relating to any subject matter listed in the First Schedule.”.

### Amendment of section 3

30 3. Section 3 of the Statistics Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Department of Statistics and all research and statistics units may, in accordance with the provisions of this Act, collect and process data for statistical purposes.”.

#### **Amendment of section 4**

**4.** Section 4 of the Statistics Act is amended —

- 5 (a) by deleting the words “Government departments, Ministries, research and statistics units and statutory bodies” in subsection (1)(a) and substituting the words “public agencies, including the allocation of the subject matters in respect of which research and statistics units may exercise their powers under section 5”;
- 10 (b) by deleting the words “Government departments, Ministries, research and statistics units and statutory bodies” in subsection (1)(b) and (d) and substituting in each case the words “public agencies”; and
- (c) by deleting the words “specified in the Second Schedule” in subsections (2) and (3).

#### **Amendment of section 5**

15 **5.** Section 5 of the Statistics Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:
- 20 “(1) It shall be lawful for the Chief Statistician or the director of a research and statistics unit to issue a requisition to any person or the occupier of any premises to furnish particulars and supply information to him, for the purpose of obtaining data for statistical purposes, and every such person or occupier is bound to furnish the particulars and supply the information to the best of his knowledge and belief.”; and
- 25 (b) by inserting, immediately after the word “addressed” in subsection (2)(b), the words “or the occupier of any premises, as the case may be,”.

#### **Amendment of section 6**

**6.** Section 6 of the Statistics Act is amended —

- 30 (a) by deleting subsections (1) to (4) and substituting the following subsections:
- “(1) For the purpose of obtaining data for statistical purposes, the Chief Statistician may in writing direct —

- (a) the director of any research and statistics unit to furnish or supply to him any particulars or information obtained pursuant to any requisition issued by the director under section 5; or
- 5 (b) any public agency to furnish or supply to him any particulars or information in the possession of the public agency, whether or not —
- (i) the particulars or information were provided to the public agency by another person or public agency (referred to in this section as the data source); or
- 10 (ii) the public agency directed to furnish the particulars or information, or the data source, is under any obligation (whether imposed by any written law or otherwise) not to disclose the particulars or information.
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- (2) Notwithstanding the provisions of this Act or any other written law, the director of any research and statistics unit or the public agency shall furnish the particulars and information as directed under subsection (1) except, in relation to a direction under subsection (1)(b), any particulars or information which have been exempted from being so furnished by —
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- (a) the Minister responsible for the public agency directed to furnish or supply the particulars or information under subsection (1)(b); or
- 25 (b) the Minister responsible for the data source.
- (3) All particulars and information required to be furnished under subsection (1) shall be furnished within such time as may be agreed to between the Chief Statistician and the director of a research and statistics unit or the public agency, as the case may be.
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- (4) Notwithstanding the provisions of this Act or any other written law —
- 35 (a) no person shall be guilty of an offence under this Act or that other written law or of any breach of

confidence or incur any liability, criminal or civil, by virtue merely of his disclosing any particulars or information to the Chief Statistician pursuant to any direction under subsection (1); and

5 (b) no officer of the Department of Statistics (including the Chief Statistician) shall be guilty of an offence under this Act or that other written law or incur any liability, criminal or civil, by virtue merely of his accessing, or disclosing to another officer of the  
10 Department of Statistics, any particulars or information obtained pursuant to any direction under subsection (1), in the performance of his duties or functions as an officer of the Department of Statistics.”; and

15 (b) by deleting the words “competent authorities” in the section heading and substituting the words “public agencies”.

### **Repeal and re-enactment of section 7**

7. Section 7 of the Statistics Act is repealed and the following section substituted therefor:

#### 20 **“Disclosure of information**

7.—(1) No person shall disclose any particulars or information obtained under section 5 or 6 in a form that may identify any person without the prior consent in writing of the person that may be identified by such disclosure.

25 (2) Notwithstanding subsection (1), the Chief Statistician or the director of a research and statistics unit, as the case may be, may disclose particulars or information obtained under section 5 or 6 —

(a) as statistics which do not identify any person;

(b) as anonymised microdata to —

30 (i) any public agency; or

(ii) any other person within a class specified in the Third Schedule;

(c) for the purposes of any proceedings for an offence under this Act or any report of those proceedings;

(*d*) that are of a general nature relating to the products or services provided by, the number of employees in or the addresses of, an establishment; or

(*e*) that are already available in the public domain.

5 (3) The Chief Statistician or the director of a research and statistics unit may, in respect of any particulars or information disclosed to any person under subsection (2), impose conditions as to the use of such particulars or information by notice in writing to that person.

10 (4) If any person discloses any returns or any particulars or information contrary to this section, or fails to comply with any conditions imposed on him under subsection (3), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

15 **Amendment of section 9**

**8.** Section 9(1) of the Statistics Act is amended by inserting, immediately after the word “required” in paragraph (*a*), the words “by a requisition”.

**Repeal and re-enactment of section 11**

20 **9.** Section 11 of the Statistics Act is repealed and the following section substituted therefor:

**“Service of requisition**

**11.—(1)** Subject to any rules made under section 12, a requisition may be served as follows:

25 (*a*) in the case of an individual —

(i) by delivering it to the individual personally;

(ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;

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(iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the

usual or last known address of the place of business of the individual; or

(iv) by affixing a copy of the requisition in a conspicuous place at the usual or last known address of residence or business of the individual; or

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(b) in the case of a partnership other than a limited liability partnership —

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

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(ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore; or

(iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; and

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(c) in the case of any limited liability partnership or any other body corporate —

(i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;

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(ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore; or

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(iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore.

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(2) Any requisition to be served on the occupier of any premises may be served by delivering it to an adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the requisition to a conspicuous part of the premises.

(3) Any requisition to be served on the occupier of any premises shall be deemed to be properly addressed if addressed by the description of the occupier of the premises without further name or description.

5 (4) If the person on whom service is to be effected has an agent within Singapore, the requisition may be delivered to the agent.”.

### **Amendment of section 12**

**10.** Section 12 of the Statistics Act is amended —

- 10 (a) by deleting the word “statistics” in subsection (1)(a) and substituting the words “data for statistical purposes”;
- (b) by deleting the words “and all orders made under section 7” in subsection (2); and
- (c) by deleting the words “and orders” in the section heading.

### **Repeal and re-enactment of section 13**

15 **11.** Section 13 of the Statistics Act is repealed and the following section substituted therefor:

#### **“Amendment of Schedules**

**13.** The Minister may, by order in the *Gazette*, amend the First, Second or Third Schedule.”.

### **Amendment of First Schedule**

**12.** The First Schedule to the Statistics Act is amended —

- (a) by deleting the Schedule reference and substituting the following Schedule reference:  
     “Sections 2 and 13”;
- 25 (b) by deleting the Schedule heading and substituting the following Schedule heading:  
     “SUBJECT MATTERS”; and
- (c) by deleting the full-stop at the end of item 43 and by inserting immediately thereafter the following item:
- 30      “44. Utilities.”.



### **Amendment of Second Schedule**

**13.** The Second Schedule to the Statistics Act is amended by deleting the Schedule reference and substituting the following Schedule reference:

“Sections 2 and 13”.

### 5 **Repeal and re-enactment of Third Schedule**

**14.** The Third Schedule to the Statistics Act is repealed and the following Schedule substituted therefor:

#### **“THIRD SCHEDULE**

Sections 7(2)(b) and 13

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#### **SPECIFIED CLASS**

1. Any consultant commissioned by a public agency.”.
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#### **EXPLANATORY STATEMENT**

This Bill seeks to amend the Statistics Act (Cap. 317) for the following main purposes:

- (a) to empower the Chief Statistician to direct any public agency to furnish or supply to him particulars or information held by the public agency, notwithstanding that the particulars or information were provided by any person or public agency (data source) and that the public agency or the data source are under any obligation (whether under written law or otherwise) not to disclose the particulars or information; and
- (b) to empower the Chief Statistician or the director of a research and statistics unit to disclose anonymised microdata to any public agency or any other person within a class specified in the Third Schedule.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to insert definitions of “anonymised microdata”, “public agency”, “research and statistics unit” and “statistical purposes”. References to “statistical information” in sections 5(1) and 6(1) are replaced by reference to “data for statistical purposes” by clauses 5 and 6, respectively.

Clause 3 deletes and substitutes section 3(1). New section 3(1) clarifies the functions of the Department of Statistics and research and statistics units. The provision in the existing subsection (1), which provides for research and statistics units

to be prescribed by notification in the *Gazette* by the Minister, is no longer required as the specification of research and statistics units will be consolidated by listing in the Second Schedule.

Clause 4 amends section 4 by replacing the references to “Government departments, Ministries, research and statistics units and statutory bodies” in subsection (1)(b) and (d) with the term “public agencies”. Subsection (1)(a) is amended to clarify that the Chief Statistician may, in the course of co-ordinating statistical activities in public agencies, allocate the subject matters in respect of which the research and statistics units may exercise their powers under section 5.

Clause 5 amends section 5 (to be read with new section 11(3)) to allow the requisitions made under section 5 to be addressed to the occupier of any premises, without the need for further name or description.

Clause 6 amends section 6 to provide as described in paragraph (a) of the first paragraph of this Explanatory Statement. Public agencies will not be required to furnish any particulars or information in relation to a direction under section 6(1)(b) if the particulars or information have been exempted from being so furnished by the Minister responsible for the public agency so directed or, if the data was provided by another data source, the Minister responsible for the data source. The new subsection (4) reproduces the existing subsection (3), with modifications, to clarify that persons complying with a direction under subsection (1), and officers of the Department of Statistics handling information obtained pursuant to such a direction in the performance of their duties or functions, are immune from all liability.

Clause 7 re-enacts, with modifications, the prohibition against disclosure of particulars or information that may identify any person without the prior consent in writing of that person and the exceptions to the prohibition from the existing section 7(1). The prohibition now applies to particulars or information obtained under section 5 or 6. Notwithstanding the prohibition in subsection (1), the Chief Statistician or the director of a research and statistics unit may disclose such particulars or information as permitted under subsection (2). In particular, subsection (2)(b) empowers the Chief Statistician or the director of a research and statistics unit to disclose anonymised microdata to any public agency or any other person within a class specified in the Third Schedule. Subsection (3) empowers the Chief Statistician or the director of the research and statistics unit to impose conditions as to the use of particulars or information disclosed under subsection (2) by notice in writing to a person. The offence provision in existing section 7(7) is re-enacted with the addition that failure to comply with the conditions imposed under subsection (3) is an offence and to increase the maximum fine from \$5,000 to \$10,000.

Clause 8 amends section 9 to clarify that subsection (1)(a), as is the case in subsection (1)(b) and (c), is confined to particulars or information required by a requisition.

Clause 9 repeals and re-enacts section 11 to update the provisions on service of a requisition.

Clause 10 makes consequential amendments to section 12.

Clause 11 makes consequential amendments to section 13.

Clause 12 amends the First Schedule to make a consequential amendment to the Schedule reference and to add “Utilities” as a new item to the list of subject matters for statistical purposes.

Clause 13 amends the Second Schedule to make consequential amendments to the Schedule reference.

Clause 14 repeals the existing Third Schedule and inserts a new Third Schedule relating to the specified class for the purposes of section 7(2)(b).

### EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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