



Amendment of the Statistics Act (2015)

Twaweza

As a stakeholder in independent research and data collection, Twaweza has submitted analysis of the proposed revisions to the Statistics Act (2015) to the responsible parliamentary committee. We have yet to receive the final version of the amendments that are reported to have been passed on the parliamentary website. It is worth noting that elements of the amended act remain open to competing perspectives, depending on one's vantage point. As one among several interested parties to this discussion, here is our take:

There are several positive changes in the amendments, most notably including:

- removal of the offence of publishing statistics that are “false” or “may result to the distortion of facts”;
- greater clarity on the distinction between official statistics and non-official statistics;
- limiting a variety of offences that relate to abuse of position / neglect of duty in employment, etc. only to employees of the NBS.

However, there are two areas of concern. Both concern the mandate of this legislation. [The object](#) of the Act is to govern the collection, production and dissemination of official statistics. As defined by the Act and amendments, these are data collected by government institutions and NBS or by institutions mandated by NBS to collect official statistics. However the 2018 amendments continue to make reference to statistical information in problematic ways. In summary these are:

- **Fuzzy boundaries** of NBS's mandate to set standards for the collection of statistical information in general (beyond official statistics)
Article 17(3)(c) requires NBS to “set standards for the collection, analysis and publication of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistical information.”
- **Outlawing fact-checking of official data:** it does not matter whether official data is true or not, it is now an offence to intentionally verify them and then share the results publicly, according to Article 24A(2), *“A person shall not disseminate or otherwise communicate to the public any statistical information which is intended to invalidate, distort, or discredit official statistics.”*
- **The penalties** reference statistical information when in fact the offences all relate to official statistics.
Article 37(4) Any person who publishes or causes to be published or communicates any official statistics or statistical information contrary to the provisions of this Act, commits an offense.

We do note that the 2018 amendments do not, in any way, prohibit the collection or communication of independent data (otherwise known as statistical information or unofficial statistics):

- First, a distinction is made between official statistics and statistical information. The amendments insert new language defining statistical information as follows: *“Statistical*

information means any organized quantitative or qualitative information obtained from different sources through censuses, surveys or administrative data.”

- Second, only official statistics require NBS authorization before they are published. Here is Article 24A(1): *“Any person who is authorised by the Bureau to process any official statistics shall, before publishing or communicating such information to the public, obtain an authorisation from the Bureau.”*

It is worth noting that this is not a new provision and appeared in the original version of the act.

- Finally, all articles touching on the process or procedures for collecting statistics use the term “official statistics”. These are redefined as follows in the amendments to the original Act: *“official statistics” means statistics produced, validated, compiled or disseminated by, or under the authority of, the Bureau.*

The independent surveys and data collection that organizations such as Twaweza conduct are, under this amended law, regulated as “statistical information”, not as “official statistics”.

Additional references: Twaweza’s analysis of the proposed amendments to the Statistics Act (2015); [statement](#) from NBS in 2015 clarifying the application and mandate of the Statistics Act (2015).