

The Statistics Act (280/2004)

Adopted in Helsinki on 23 April 2004

In accordance with the decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Scope of application of the Act

This Act lays down provisions for the procedures and principles concerning the collection of data and the designing and production of statistics that shall be applied by state authorities in their statistics compilation.

The collection, release, protection and other processing of data during the compilation of statistics shall be subject to the provisions of the Act on the Openness of Government Activities (621/1999) and of the Personal Data Act (523/1999), unless provided otherwise in this or some other Act.

Provisions concerning the statistics included in the statistical programme of the European Community shall be contained in Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, in Council Regulation (EC) No 322/97 on Community Statistics, and in Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. However, the provisions of this present Act shall apply to these statistics in respects of the parts not covered by the Regulation referred to above. (24.5.2013/361)

Section 2

National Statistical Service and authorities producing statistics

The task of the National Statistical Service is to produce for general use statistics describing social conditions and their development.

For the purposes of this Act:

- 1) *Statistical authorities* mean Statistics Finland as the general authority within the National Statistical Service, the Information Centre of the Ministry of Agriculture and Forestry, Finnish Customs and the National Research and Development Centre for Welfare and Health as they perform their statutory duties connected with the production of statistics; (24.5.2013/361)
- 2) *Other authorities producing statistics* mean state authorities who produce statistics concerning their branch of administration from data in their possession collected for other purposes or from data collected on voluntary basis for statistical purposes;
- 3) *Respondents* mean those who provide data for the purpose of statistics compilation;

4) *Those obliged to provide data* mean parties who provide data for statistics under an obligation laid down in law to do so;

5) *Representatives of respondents and representatives of those obliged to provide data* mean associations representing respectively respondents or those obliged to provide data.

Statistical authorities and other authorities that compile statistics are professionally independent when performing tasks directly connected to developing, producing and disseminating statistics. These authorities shall operate independently, objectively, reliably and cost-efficiently, and ensure the protection of statistical confidentiality. (24.5.2013/361)

Section 3

Objectives of the Act

The objective of this Act is to ensure the availability of reliable statistical information required in social decision-making and planning and in fulfilling obligations under international statistical co-operation by harmonising and rationalising the principles and procedures applied in the collection, processing, use, release and storing of data, to promote the observation of good statistical practice in the National Statistical Service and to ensure that the rights of those who provide data for statistical purposes or whom the data concern are upheld. The purpose of the Act is also to extend the use of the data collected for statistical purposes in scientific studies and statistical surveys on social conditions.

Chapter 2

Collection of data

Section 4

Principles to be followed in the collection of data

Provision of data for statistical purposes shall be voluntary unless an obligation to provide data has been laid down in law.

When data are collected for statistical purposes the primary exploited sources shall be data accumulated in administering the tasks of general government and those produced as a consequence of the normal activities of employers, self-employed persons, corporations and foundations.

The data shall be collected in a manner that is economical and causes the respondents the least amount of inconvenience and cost.

Section 5

Data to be collected

An authority producing statistics shall see to it that respondents are only requested to provide those data that are necessary for the production of statistics.

The data shall be collected and stored without identification data whenever permitted by the statistics to be produced. Identification data may only be collected and stored where it is necessary for data linking or when otherwise deemed necessary for the production of

reliable and comparable statistics depicting features in the development of social conditions.

Section 6

Obligation of a statistical authority to negotiate and inform

Before deciding on the data to be collected under the provisions concerning the obligation to provide data a statistical authority shall consult with the respondents or with their representatives. The matters the consulting shall address are:

- 1) The data to be collected and the purpose for which they are to be used;
- 2) The time limits and procedures to be applied in the data collecting;
- 3) The durations for which the data are to be stored and the provisions and procedures for their protection;
- 4) The costs from the data collection to the parties concerned, as well as feedback and ways of providing it.

A consultation must also be arranged should changes be planned to one or more questions referred to in Paragraph 1 or should a representative of the respondents request it.

The consultation shall take place early enough to allow the views of the respondents to be taken into account in the planning of the data collection and to allow the respondents to adapt their information systems to produce the required data.

Section 7

Statistical authority's decision about data collection and informing the respondents about it

After consulting with those obliged to provide data, or with their representatives, a statistical authority shall decide on the data to be collected and on the procedures and time limits to be applied in the collection of the data.

The respondents and their representatives must be informed early enough of a decision to start collecting data and of the data to be collected.

Section 8

Exemption from the obligation to provide data

At a respondent's request, a statistical authority shall exempt a respondent wholly or partially from the obligation to provide data where the provision of data would cause the respondent unreasonable inconvenience and where the exemption will not essentially hamper the production of statistics or weaken the reliability and usability of statistics.

Section 9

Obligation to inform respondents as data are collected

As data are collected, an authority producing statistics shall inform the respondents in writing or in other appropriate manner about the intended use of the data, the procedures to be used in the production of the statistics, the principles governing the obligation to provide data or that the provision of data is voluntary, the rights of the respondents, the

arrangements for protecting the data, and the durations for which the data will be stored, as well as any other matters that essentially bear on the provision of the data. Where the provision of the data is voluntary, the authority collecting the data shall also inform the representatives of the respondents to this effect. (24.5.2013/361)

With the exception of state authorities, those obliged to provide data shall be given feedback data on the produced statistics. The feedback data shall be given in a manner appropriate to the respondents.

Chapter 3

Data processing and compilation of statistics

Section 10

Data processing principles

When data collected for statistical purposes are being combined, stored, destroyed or otherwise processed it shall be ensured that no person's protection of private life or personal data, or business or professional secret shall be endangered. (24.5.2013/361)

Data processing shall take place in accordance with good statistical practice and the international recommendations and procedures generally applied in the field of statistics.

An authority producing statistics shall see to it that the data are duly protected in all stages of statistics production as separately provided.

10 a § (24.5.2013/361)

Duration of storage

Statistical authorities and other authorities that compile statistics may store the data collected for statistical purposes as long as necessary for implementing the purposes of this Act, unless it is provided otherwise in another Act concerning authorities as intended above. After this, the data must be destroyed within one year unless the National Archives Service of Finland stipulates the data to be kept permanently by virtue of the Archives Act (831/1994). In assessing the necessity of storing the data, attention shall be paid to what is provided in Section 12, Subsection 2 of the Personal Data Act.

Section 11

Quality and availability of statistics

Statistics shall be as reliable as possible and shall give a truthful picture of the social conditions and their development.

To ensure the comparability of data and improve their exploitability producers of statistics shall use uniform concepts, definitions and classifications wherever possible.

Statistics shall be compiled so that those whom they concern are not directly or indirectly identifiable from them, unless the data concerning identification are public by virtue of this Act.

Statistics shall be published as soon as possible after their completion. The publication of statistics that may have an obvious impact on the capital and financial markets is subject to the provisions laid down in Section 8, and in Section 24, Subsection 1, Paragraph 13, of the Act on the Openness of Government Activities.

Chapter 4

Release of data collected for statistical purposes

Section 12

Confidentiality and publicity of data

The Act on the Openness of Government Activities shall provide for the publicity and confidentiality of the data provided for statistical purposes and for the non-disclosure and prohibition of use regarding the data. However, Section 24, Subsection 1, Paragraph 16 of the above-mentioned Act shall not be applied to the data describing the activities of central and local government authorities and production of public services that an authority producing statistics has in its possession, or to data concerning enterprises and corporations referred to in Section 18 of the present Act. (24.5.2013/361)

Section 13 **(24.5.2013/361)**

Release of confidential data

Notwithstanding the provisions of other acts on the obligation of authorities to release confidential data, data obtained by a statistical authority for statistical purposes may only be released to a third party on terms laid down in this present Act or in another act concerning especially the National Statistical Service or upon express consent of the subject of the data. Such data may not be released for use in an investigation, surveillance, legal proceedings, administrative decision-making or other similar handling of a matter concerning an individual, enterprise, corporation or foundation.

Statistical authorities may release confidential data collected for statistical purposes:

- 1) For scientific research and statistical surveys concerning social conditions;
- 2) To another statistical authority for the purpose of development, production and quality improvement of statistics on an activity falling within its sphere of influence;
- 3) To other authorities belonging to the European Statistics System for the development, production and quality improvement of the European statistics for which they are responsible;
- 4) To the Bank of Finland for the purpose of development, production and quality improvement of the statistics for which it is responsible;
- 5) To another statistical authority for technical formation of research material used for scientific research and statistical surveys concerning social conditions.

In cases referred to in Subsection 2, Paragraph 1, statistical authorities may not release such data from which the statistical unit could be directly identified. However, statistical authorities may give permission in cases referred to above to such confidential data from

which the statistical unit could be indirectly identified. Necessary identification data may be released in cases referred to in Subsection 2, Paragraphs 2 to 5.

The decision to release data and grant a permission shall always be made by the statistical authority. Data obtained through release or permission may not be released further, unless the statistical authority has given permission to this. The release of data or granting of permission is otherwise subject to the provisions of Section 28 of the Act on the Openness of Government Activities.

Notwithstanding the provisions of Subsections 1 to 4, data may be returned to the authority that has supplied them to the statistical authority.

The provisions of Section 28 of the Act on the Openness of Government Activities shall apply to the release of data separately collected by another authority producing statistics. However, the decision to grant permission shall always be made by the other authority producing statistics.

Section 13 a (24.5.2013/361)

Files intended for public use

Notwithstanding the provisions on secrecy as in Section 12 above, statistical authorities can produce and release to public use such files formed from data collected for statistical purposes from which identification data have been removed and which have been processed so that the statistical unit cannot be directly or indirectly identified.

Chapter 5

Provisions on the National Statistical Service concerning Statistics Finland

Section 14

Right of Statistics Finland to collect data by virtue of obligation to provide data

Notwithstanding the provisions on secrecy, state authorities shall be obliged to provide Statistics Finland with such data in their possession that are necessary for the production of statistics, as well as with data on their own activities, finances, duties, staff and other resources required in their activities.

Notwithstanding the provisions on secrecy, as necessary for the production of statistics local government authorities shall be obliged to provide Statistics Finland with data on their finances, products, locations of activities, as well as with data on the staff and other resources required in their activities.

Notwithstanding the provisions on secrecy, as necessary for the production of statistics, incorporated enterprises, unincorporated public enterprises, and non-profit institutions and foundations are obliged to provide Statistics Finland with data on the type, location, ownership, finances and products of their activities, as well as with data on the staff and other resources required in their activities.

Notwithstanding the provisions on secrecy, the Finnish Centre for Pensions, the Social Insurance Institution of Finland, the Unemployment Insurance Fund, the Federation of Accident Insurance Institutions and insurance corporations practising statutory social insurance are additionally obliged to provide data in their possession on the social insurance contributions made by the parties liable to insure. (24.5.2013/361)

Notwithstanding the provisions on secrecy, as necessary for the production of statistics, parties not belonging to the aforementioned groups performing public administrative duties by virtue of an act, or a decision made on the basis of an act, shall be obliged to provide Statistics Finland with data on their finances, products, staff and other resources required in their activities.

Section 15 (24.5.2013/361)

Right of Statistics Finland to collect personal data by virtue of obligation to provide data

Notwithstanding the provisions on secrecy, state authorities are obliged to provide Statistics Finland with the personal data necessary for the production of statistics describing persons':

- 1) Socio-economic and demographic characteristics including ethnic origin and religion;
- 2) Housing and other living conditions;
- 3) Income, social benefits received, property owned or controlled and other economic position;
- 4) Employment or self-employment;
- 5) Education, employment and working conditions;
- 6) Participation in a traffic or other accident and their causes and consequences;
- 7) Subjection to legal punishment received or being victim of a criminal offence;
- 8) Legal aid received, readings in the court system or in a recovery or other executive authority;
- 9) Use of the services of the police, Finnish Border Guard and Finnish Customs or being the subject of the activity of these authorities;
- 10) Candidacy in an election and other social activity.

Notwithstanding the provisions on secrecy, state authorities shall be obliged to provide Statistics Finland with such data describing the form of heating energy used and energy consumption of a building owned or managed by a person, enterprise or corporation that are necessary for the production of statistics.

Notwithstanding the provisions on secrecy, entrepreneurs and other employers shall be obliged to provide Statistics Finland with such personal data on the wages and salaries, working hours, occupations and establishments of their personnel that are necessary for the production of statistics. Additionally, notwithstanding the provisions on secrecy, natural persons practising entrepreneurial activity, farmers and fishermen shall be obliged

to provide statistics Finland with the personal data on their activity referred to in Section 14, Subsection 3, of the present Act that are necessary for the production of statistics.

Notwithstanding the provisions on secrecy, the Finnish Centre for Pensions, the Social Insurance Institution of Finland and Keva shall be obliged to provide Statistics Finland with the necessary personal data in their possession that describe the occupations and employment contracts of the insured and the benefits paid.

Notwithstanding the provisions on security, as necessary for the production of statistics, organisations providing education by virtue of an act, or a decision made on the basis of an act, shall be obliged to provide Statistics Finland with individual personal data on their students, as well as on the degrees and qualifications attained and the teaching received by the students.

Notwithstanding the provisions of the act on a payment and notification service system for small employers (658/2004), the Tax Administration shall be obliged to provide Statistics Finland with personal data and other data stored in the payment and reporting service system necessary for the production of statistics.

In addition to what is provided in Subsection 1, Paragraphs 1, 3, 7, 9 and 10 of the present Act, sensitive personal data may only be collected from respondents if the data have had a direct influence on the access to, or on the form of received education, benefit or service, or when they become indirectly evident from data concerning access to certain education, benefit or service, a decision of an authority, or the causes and consequences of a traffic or other accident.

Section 16

Limitations to the obligation to provide data

The right of Statistics Finland to collect data by virtue of the obligation to provide data laid down in Sections 14 and 15 does not extend to such data that are to be kept confidential for reasons of international relationships, public safety, the interest of national defence or the safety of the state.

Section 17

Use of data

Statistics Finland may compile commissioned statistics from the data in its possession.

When producing statistics commissioned by an authority referred to in Section 4 of the Act on the Openness of Government Activities Statistics Finland may also use the data provided by the commissioning authority in completing the commission assignment. For the completion of the assignment, the commissioning authority may release to Statistics Finland data in its possession in the manner laid down in Section 28, and in Section 37, Subsection 5, of the Act on the Openness of Government Activities. Subsection 2 of Section 5 of the said Act shall not be applied to the statistics thus produced.

When producing statistics commissioned by an authority other than that referred to in Subsection 2, Statistics Finland may also use data provided by the commissioning authority in completing the commission assignment.

Section 18

Publicity of data concerning enterprises and corporations

For the purpose of statistics compilation, with the data in its possession Statistics Finland maintains a Register of Enterprises and Establishments, in which the data shall be public as follows:

In respect of employers and self-employed persons, corporations and foundations the data on the following shall be public:

- 1) Business identity code and its validity period, legal form, name, industry, language code, municipality of domicile and address, as well as other public contact information;
- 2) Type of owner;
- 3) Location and establishments of activity;
- 4) Size category of turnover and type classification of entrepreneurial activity (24.5.2013/361)
- 5) Total number of personnel and number of personnel by municipality;
- 6) Engagement in foreign trade;
- 7) Liability to pay value added tax, being a primary producer, activity as an employer and registration into the preliminary tax withholding register; (24.5.2013/361)
- 8) In respect of enterprise groups, group relationships.

In respect of establishments, the data on establishment code, duration of operation, name, industry, location, public address and other public contact information as well as the size category of personnel shall be public.

Notations made in the Register have no legal effects.

Notwithstanding Section 16, Subsection 3, of the Act on the Openness of Government Activities, everybody has the right to obtain data from the Register in printed or electronic form. However, a registered party referred to in Section 3, Paragraph 5, of the Personal Data Act has the right laid down in Section 30 of the said Act to forbid the processing of data concerning himself or herself. The provisions of the Personal Data Act shall also otherwise be complied with in the processing of personal data on those recorded in the Register.

Section 19

Release of confidential data

In addition to what is provided for in Section 13, Subsections 1 to 3, Statistics Finland may release, for use in scientific research or statistical surveys on social conditions, data with identification data on a person's age, gender, education, occupation and socio-economic group provided that the recipient of the data is authorised to process such data under the Personal Data Act. (24.5.2013/361)

Separate provisions shall apply to the release of data on causes of death.

Chapter 6

Miscellaneous provisions

Section 20

Provisions concerning the Autonomous Territory of the Åland Islands

The production of statistics describing the autonomous Territory of the Åland Islands shall be subject to the Act (1144/1991) on the Self-Government of the Åland Islands.

Notwithstanding the provisions of Sections 12 and 13, data on the Autonomous Territory of the Åland Islands obtained for statistical purposes by national authorities may be released to the statistical authorities of the Autonomous Territory of the Åland Islands for use in the production of statistics.

Section 21

Reimbursement of costs

A statistical authority shall be entitled to obtain the data referred to in this Act free of charge. However, in cases involving the release of large volumes of diverse data in the possession of the respondent, any special costs directly incurred through the release shall be reimbursed.

Respondents shall be entitled to the feedback data referred to in Section 9 above free of charge.

Section 22 **(24.5.2013/361)**

Use of outside services

An authority producing statistics may outsource parts of tasks or auxiliary tasks related to the different stages of statistics production to an outside contractor. When considering the use and terms of such subcontracts, and making control arrangements for them, special attention shall be paid to matters concerning protection of private life and personal data and business or professional secret.

Section 23 **(24.5.2013/361)**

Conditional fine

Should a party obliged to provide data fail to provide the data before the set deadline, the statistical authority may order the party concerned to provide the data under penalty of a fine as provided in the Act on Conditional Imposition of a Fine (1113/1990). A decision to impose a fine shall be conditional to fulfilment of the obligation to negotiate referred to in Section 6 of the present Act.

Section 24

Violation of statistical confidentiality

A sanction for the violation of the provisions on secrecy, non-disclosure and prohibition of use prescribed in Sections 12 and 13 shall be issued under Section 1 or 2, Chapter 38, of the Criminal Code (39/1889), unless the action is punishable under Section 5, Chapter 40, of the Criminal Code.

A person who violates the provisions referred to in Section 13 shall be sentenced to a fine for *violation of statistical confidentiality*.

Section 25

Failure to fulfil the obligation to provide data

A person obliged to provide data who wilfully fails to provide the data referred to in this Act shall be sentenced to a fine for *failure to fulfil the obligation to provide data laid down in the Statistics Act*.

A person obliged to provide data who wilfully provides false data or makes a false statement in order to fulfil the obligation to provide data laid down in this Act shall be sentenced to a fine for *provision of false statistical information*.

Should the violation referred to in Subsections 1 or 2 be deemed a clearly minor one as a whole, the authority referred to in Section 2, Subsection 2, Paragraph 1, may refrain from any measures to bring charges against the violator.

Section 26 **(24.5.2013/361)**

Service of notice of an administrative decision

Notices about the decision of the authority producing statistics may be sent to appellants by post. Unless proven otherwise in connection with the appeal, the appellant is deemed to have been notified about the decision seven days after the decision document has been handed over to post for transport. The decision of an authority producing statistics may also be sent to appellants electronically in the manner provided in the Act on Electronic Services and Communication in the Public Sector (13/2003).

Section 27 **(24.5.2013/361)**

Demand for rectification and appeal

Those whose right, benefit or duty the decision made by the authority producing statistics by virtue of this Act concerns may demand rectification for it from the authority in question as provided in the Administrative Procedure Act (434/2003).

Decisions taken by the authorities producing statistics by virtue of this Act may be appealed against in the manner prescribed in the Administrative Judicial Procedure Act (586/1996). A decision may be enforced without legal validity if the appellant authority does not forbid the enforcement.

Section 28

Transitional provisions and entry into force

This Act shall enter into force on 1 May 2004. Data in accordance with the obligation to provide data under Section 14, Subsection 4, of the Act may be collected as of the year 2005.

This Act shall repeal the Statistics Act (62/1994) given on 21 January 1994, with any later amendments to it, and the Act on the Release of Business Identity Codes (1126/1990) given on 14 December 1990.

However, the Statistics Act repealed in Subsection 2 above shall be applied for one year from the entry into force of this Act to a service unit referred to in Section 1 of the Act on the Information Centre of the Ministry of Agriculture and Forestry (1200/1992).

24.5.2013/361:

This Act shall enter into force on 1 September 2013.

As provided in Section 13, the statistical authority may release or give a permission to data for scientific research or statistical surveys on social conditions, which it has collected for statistical purposes before the entry into force of this Act upon the consent of the data supplier, regardless of what has been reported to the data supplier on the use and release of data at the time of collection. A permission for processing the data may be given only if the consent of the data supplier cannot be acquired again due to the large volume and age of the data or other such reason.

Prior to the entry into force of this Act, the measures required by the enforcement of this Act may be initiated.

Helsinki, 23 April 2004

President of the Republic
Tarja Halonen

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Ulla-Maj Wideroos