

STATISTICS LAW

(No. 04/2003/QH11 of June 17, 2003)

In order to raise the efficiency of the statistical work, ensuring the truthfulness, objectivity, accuracy, completeness and timeliness of statistical information in service of State agencies in evaluating and envisaging the situation, determining strategies and policies, formulating socio-economic development plans and meeting the demands of other organizations and individuals for statistical information; and to enhance the effect of State management over the statistical work;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly, its 10th session;

This Law provides for statistics.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Law governs statistical activities, the use of statistical information and the system of State statistical organizations.
2. Statistical surveys conducted by organizations and individuals outside the system of State statistical organizations shall be stipulated by the Government.

Article 2. Subjects of application

The subjects of application of this Law include:

1. State agencies, non-business units, units of the people's armed forces, political organizations, socio-political organizations, socio-political professional organizations, social organizations, socio-professional organizations, enterprises and units attached to enterprises of all economic sectors, cooperatives, cooperation groups, individual business households, households, individuals, other Vietnamese organizations at home and abroad, and foreign organizations and individuals operating in the Vietnamese territory (hereinafter referred collectively to as organizations and individuals), that supply statistical information;
2. Organizations and individuals using statistical information;

3. Statistical organizations, statisticians.

Article 3. Interpretation of terms

In this Law, the following phrases are construed as follows:

1. Statistical activities mean surveying, reporting, synthesizing, analyzing and publicizing information reflecting the nature and laws of socio-economic phenomena under particular spatial and temporal conditions, which are conducted by State statistical organizations.
2. Statistical information means products of statistical activities, including statistical data and written analyses thereof.
3. Statistical indices mean indices which reflect, through their numerical expression, the scale and speed of development, the structures and proportional relationships of socio-economic phenomena under particular spatial and temporal conditions.
4. System of statistical indices means a combination of statistical indices promulgated by competent State bodies.
5. System of national statistical indices means a combination of statistical indices reflecting the major socio-economic situation of the country.
6. Statistical survey means the form of collection of statistical information according to a survey plan.
7. Statistical reporting means the form of collection of statistical information according to the statistical reporting regimes promulgated by competent State bodies.

Statistical reports include basic statistical reports and synthetic statistical reports.

Article 4. Basic principles of statistical activities

Statistical activities must abide by the following basic principles:

1. Ensuring truthfulness, objectivity, accuracy, completeness and timeliness in statistical activities;
2. Ensuring independence in professional statistical operations;
3. Uniformity in terms of indices, forms, computing methods, classification tables, units of measurement, statistical year and assurance of international comparability;
4. No repetition and overlap among statistical surveys as well as statistical reporting regimes;

5. Publicity of statistical methods, publicization of statistical information;
6. Assurance of equality in the access to, and use of, State statistical information already publicized;
7. Statistical information on each organization or individual shall be used only for the purposes of synthesizing statistics.

Article 5. Application of science and technology to statistical activities

The State shall prioritize the investment in and the application of advanced information and communication technologies and statistical methods to statistical activities.

Article 6. Acts strictly forbidden in statistical activities

The following acts are strictly forbidden:

1. Failing to implement, or obstructing the implementation of, the statistical reporting regimes or statistical surveys;
2. Declaring false information, reporting on or publicizing untrue statistical information ; forcing other persons to supply false information, report on or release untrue statistical information;
3. Disclosing statistical information on the list of State secrets; disclosing statistical information associated with specific names and/or addresses of organizations or individuals without the consent of such organizations or individuals;
4. Deciding to conduct surveys or to promulgate statistical reporting regimes in contravention of laws;
5. Other acts of violating the statistics legislation.

Chapter II

SYSTEM OF STATISTICAL INFORMATION

Article 7. System of statistical information

The system of statistical information consists of:

1. Statistical information which the system of centralized statistical organizations directly collect or synthesize from statistical information collected by the ministries, the ministerial-level agencies, the agencies attached to the Government, the Supreme People's Court and the Supreme People's Procuracy in order to meet the general management requirements of the State;
2. Statistical information which the ministries, the ministerial-level agencies, the agencies

attached to the Government, the Supreme People's Court and the Supreme People's Procuracy collect in order to meet the synthetic requirements of the system of centralized statistical organizations and the management and use requirements of these agencies.

Article 8. Competence to promulgate the system of statistical indices

1. Basing himself/herself on the requirements of socio-economic development tasks, the Prime Minister shall promulgate the system of national statistical indices. The system of national statistical indices shall serve as a basis for the assignment and coordination of statistical activities, the elaboration of a program of national statistical surveys and the formulation of the synthetic and basic statistical reporting regimes.

2. Basing themselves on the system of national statistical indices, the ministers, the heads of the ministerial-level agencies, the chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall promulgate statistical indices in service of the management and use requirements of the branches or domains under their respective management.

Article 9. Statistical classification tables

1. The statistical classification tables shall be promulgated by competent State bodies for use as standards to be uniformly applied to statistical activities, including the tables of the system of the national economy's branches, the classification of economic forms, the list of administrative units, the list of nationalities, the lists of economic units, administrative agencies and non-business units, the lists of products and goods, the lists of occupations, the list of education and training, and other statistical classification tables.

2. The Government shall stipulate the competence to promulgate the statistical classification tables, except for those specified in Clause 3 of this Article.

3. The chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall promulgate the statistical classification tables in the branches or domains under their respective management.

Article 10. Forms of collecting statistical information

The major forms of collecting statistical information are statistic surveys and statistical reports.

Chapter III

STATISTICAL SURVEYS AND STATISTICAL REPORTS

Section 1

STATISTICAL SURVEYS

Article 11. The programs on national statistical surveys

1. Basing themselves on the system of national statistical indices and the regime of synthetic statistical reporting regime of the State, the ministries, the ministerial-level agencies, the agencies attached to the Government, the Supreme People's Court and the Supreme People's Procuracy shall propose the statistical surveys planned to be conducted; the central statistical agency shall sum them up and submit to the Prime Minister for decision long-term and annual programs on national statistical surveys.

A program on national statistical surveys covers a list of surveys, surveying duration, assignment of surveying tasks, and conditions to ensure the surveying.

2. The Government shall prescribe the carrying out of surveys outside the national statistical survey programs.

Article 12. Competence to decide on statistical surveys

1. The Prime Minister shall decide on general statistical surveys.

2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall, within the scope of their respective tasks and powers, decide on statistical surveys other than general surveys prescribed in Clause 1 of this Article.

3. The presidents of the People's Committees of the provinces and centrally-run cities shall, with the scope of their respective tasks and powers, decide on statistical surveys other than the surveys prescribed in Clauses 1 and 2 of this Article according to their local management requirements.

Article 13. Statistical survey plans

1. Each statistical survey must have a plan therefore.

2. A statistical survey plan contains regulations and guidelines regarding the purposes, requirements, scope, objects, units, contents and methods of survey, time and duration of the survey, the surveying agency(ies) and forces, the synthesis, analysis and publicization of survey findings, funding and other material conditions for conducting the survey, responsibilities of concerned organizations and individuals.

3. The persons who decide on the statistical surveys shall also decide on the plans therefor. The statistical survey plans of the ministries, the ministerial-level agencies, the agencies attached to the Government, the Supreme People's Court and the Supreme People's Procuracy or the People's Committees of the provinces or centrally-run cities, before being decided on, shall be professionally evaluated by the central statistical agency.

Article 14. Funding for statistical surveys

1. The funding for conducting statistical surveys shall be covered with the State budget, depending on the size and nature of each survey.
2. The estimation, management, use and settlement of the funding for statistical surveys shall comply with the provisions of the State Budget Law.

Article 15. Rights and obligations of survey-conducting agencies and statistical surveyors

1. Statistical survey- conducting agencies shall have the following rights and obligations:
 - a/ To direct, organize and inspect the implementation of statistical survey plans;
 - b/ To organize the synthesis, analysis and publicization of statistical survey results.
2. Statistical surveyors shall have the following rights and obligations:
 - a/ To be trained in statistical survey skills;
 - b/ To carry out surveys according to the statistical survey plans.
3. The statistical survey-conducting agencies and statistical surveyors shall be held accountable for the objectivity and accuracy of survey information and keep secret such information according to the provisions of this Law.

Article 16. Rights and obligations of organizations and individuals being respondents in statistical surveys

Organizations and individuals being respondents in statistical surveys shall have the following rights and obligations:

1. To be informed of the statistical survey decisions;
2. To supply true and complete information on schedule as requested by the statistical surveyors;
3. To complain about or denounce acts of violating the legislation on statistical surveys.

Section 2

THE REGIME OF BASIC STATISTICAL REPORTING

Article 17. The regime of basic statistical reporting

The regime of basic statistical reporting, which covers regulations on objects to be reported, reporting scope and contents, reporting period and deadline, and the report-receiving places,

shall be promulgated by competent State bodies in order to gather statistical information from documents and books of initial data.

Article 18. Competence to promulgate the regime of basic statistical reporting

1. The Prime Minister shall promulgate the regime of basic statistical reporting for the collection of statistical information on national statistical indices, which are assigned to the central statistical agency.

2. The ministers, the heads of the ministerial-level agencies, the chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall promulgate the regimes of basic statistical reporting for the collection of statistical information on national statistical indices, which are assigned to them, and on statistical indices within the branches or domains under their respective management after such regimes are professionally evaluated by the central statistical agency.

Article 19. Rights and obligations of organizations implementing the regime of basic statistical reporting

Organizations implementing the regime of basic statistical reporting shall have the following rights and obligations:

1. To record, synthesize data, draw up and submit reports according to the regulations of the regime of basic statistical reporting;

2. To draw up truthful, accurate and complete basic statistical reports on the basis of documents and books of initial data; to calculate and synthesize indices strictly according to the contents and methods prescribed by the regime of basic statistical reporting.

3. To complain about administrative decisions, administrative acts when they have grounds to believe that such decisions or acts violate the law provisions on the regime of basic statistical reporting.

Section 3

THE REGIME OF SYNTHETIC STATISTICAL REPORTING

Article 20. The regime of synthetic statistical reporting

The regime of synthetic statistical reporting, which covers regulations on reporting objects, reporting scope and contents, the reporting period and deadline, the report-receiving places, shall be promulgated by competent State bodies to sum up statistical data from basic statistical reports, financial statements, survey findings and other information sources.

Article 21. Competence to promulgate the regimes of synthetic statistical reporting

1. The Prime Minister shall promulgate the regime of synthetic statistical reporting for application to the ministries, the ministerial-level agencies and the agencies attached to the Government.

2. The ministers, the heads of the ministerial-level agencies shall promulgate the regime of synthetic statistical reporting for application to the professional agencies of the People's Committees of the provinces, centrally run cities, rural districts, urban districts, provincial capitals and cities, which belong to the domains or branches under their respective management after such regimes are professionally evaluated by the central statistical agency.

3. The chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall promulgate the regimes of synthetic statistical reporting for application to the system of courts or procuracies after such regimes are professionally evaluated by the central statistical agency.

Article 22. Rights and obligations of the agencies implementing the regime of synthetic statistical reporting

The agencies implementing the regime of synthetic statistical reporting shall have the following rights and obligations:

1. To organize the collection and synthesis of data, to draw up and submit reports according to the regulations of the regime of synthetic statistical reporting;

2. To draw up truthful, accurate and complete synthetic statistical reports on the basis of data of statistical surveys, financial statements, basic statistical reports and other information sources; to compute and synthesize indices strictly according to the contents and methods prescribed by the regime of synthetic statistical reporting.

3. To complain about administrative decisions, administrative acts when they have grounds to believe that such decisions or acts violate the law provisions on the regime of synthetic statistical reporting.

Article 23. Rights to exploit and use statistical databases

1. Centralized statistical organizations shall have the rights to exploit and use initial statistical databases of the agencies implementing the regime of synthetic statistical reporting. The agencies implementing the regime of synthetic statistical reporting shall have to supply information belonging to the initial statistical databases under their respective management at the requests of the centralized statistical organizations.

2. The agencies implementing the regime of synthetic statistical reporting shall be provided in return by the centralized statistical agencies with synthetic statistical information and shall be entitled to exploit relevant general statistical databases of the centralized statistical agencies.

Chapter IV

PUBLICIZATION AND USE OF STATISTICAL INFORMATION

Article 24. Publicization of statistical information

1. Statistical information collected by the State statistical organizations must be publicized according to schedule, except for statistical information which must be kept secret as prescribed in Article 27 of this Law.

The Government shall specify the time limit, means and scope of publicization of statistical information.

2. Statistical information publicized by competent persons specified in Article 25 of this Law shall have legal validity.

Article 25. Competence to publicize statistical information

1. The head of the central statistical agency shall publicize statistical information within the system of national statistical indices.

2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall publicize statistical information belonging to the branches or domains under their respective management, which is other than statistical information belonging to the system of national statistical indices.

3. The presidents of the People's Committees of the provinces or centrally run cities shall publicize statistical information obtained from the surveys specified in Clause 3, Article 12 of this Law.

Article 26. Use of statistical information

The citation and use of statistical information must be honest and clearly indicate the sources of such information.

Article 27. Confidentiality of statistical information

Statistical information which must be kept secret includes:

1. Statistical information associated with the particular names and/or addresses of organizations or individuals, unless the publicization of such information is consented by the concerned organizations or individuals.

2. Statistical information on the list of State secrets.

Chapter V

STATISTICAL ORGANIZATIONS

Article 28. The system of State statistical organizations

The system of State statistical organizations consists of the system of centralized statistical organizations, statistical organizations of the ministries, the ministerial-level agencies, the agencies attached to the Government, the Supreme People's Court and the Supreme People's Procuracy.

Article 29. The system of centralized statistical organizations

1. The system of centralized statistical organizations is organized according to a professionally hierarchical structure, including the central statistical agency and local statistical agencies.
2. The Government shall specify the tasks, powers and organizational structure of the system of centralized statistical organizations.

Article 30. Statistical work of the ministries, the ministerial-level agencies, the agencies attached to the Government, the Supreme People's Court and the Supreme People's Procuracy.

1. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the chief judge of the Supreme People's Court and the chairman of the Supreme People's Procuracy shall have to organize the statistical work according to the provisions of this Law.
2. The Government shall define the tasks, powers and structure of the statistical organizations of the ministries, the ministerial-level agencies, the agencies attached to the Government.
3. The chief judge of the Supreme People's Court and chairman of the Supreme People's Procuracy shall, according to their jurisdiction, specify the tasks, powers and structure of the statistical organizations of the systems of courts and procuracies.

Article 31. Statistical work of communes, wards and townships

The People's Committees of communes, wards or townships shall have to organize the statistical work in service of the management requirements of their communes, wards or townships; conduct statistical surveys and implement the State's statistical reporting regimes.

Article 32. Statistical work of enterprises, administrative agencies, non-business units

Enterprises, administrative agencies and non-business units shall have to organize the statistical work in service of their respective management requirements; send financial statements to the statistical agencies of the system of centralized statistical organizations, conduct statistical

surveys and implement the State's statistical reporting regimes.

Article 33. Statisticians

1. Statisticians include statisticians working in the system of State statistical organizations, statisticians working in communes, wards and townships, and statisticians working in enterprises, administrative agencies, non-business units and persons mobilized to carry out statistical surveys.
2. Statisticians must satisfy the following criteria:
 - a/ Possessing professional ethics, being honest, impartial and having the sense of law observance;
 - b/ Having professional statistical qualifications and skills.
3. Statisticians shall act independently in their statistical profession.
4. Statisticians shall have to observe the law provisions on statistics, accomplish, and take responsibility for, their assigned tasks.

Chapter VI

STATE MANAGEMENT OVER STATISTICS

Section 1

STATE MANAGEMENT CONTENTS AND AGENCIES PERFORMING THE STATE MANAGEMENT OVER STATISTICS

Article 34. Contents of State management over statistics

The contents of State management over statistics include:

1. Formulating, and directing the implementation of, strategies, plannings and plans on development of the statistical work, the system of national statistical indices and the programs on national statistical surveys;
2. Promulgating, and organizing the implementation of, legal documents on statistics;
3. Popularizing and educating in the statistics legislation;
4. Managing the publicization of statistical information;
5. Building up statistical organizations, providing training and fostering in the statistical

profession;

6. Organizing scientific researches and the application of advanced technologies to statistical activities;
7. Undertaking international cooperation on statistics;
8. Inspecting and supervising the observance of the statistics legislation, handling violations of the statistics legislation;
9. Settling statistics-related complaints and denunciations according to the provisions of law.

Article 35. Agencies performing the State management over statistics

1. The Government shall perform the unified State management over statistics.
2. The central statistical agency shall assist the Government in performing its tasks and exercising its powers falling within the contents of State management over statistics according to the Government's regulations.
3. The ministries and the ministerial-level agencies shall, within the scope of their respective tasks and powers, have to perform the State management over statistics in the branches or domains assigned to them for management.
4. The People's Committees of the provinces or centrally run cities shall, within the scope of their respective tasks and powers, have to perform the State management over statistics in their respective localities.

Section 2

STATISTICS INSPECTORATE

Article 36. Statistics inspectorate

1. The statistics inspectorate is an inspectorate specialized in statistics. The statistics inspectorate is tasked to inspect the observance of the statistics legislation; to detect, prevent and handle according to its competence or propose competent authorities to handle violations of the statistics legislation; to propose measures to secure the enforcement of the statistics legislation.
2. The organization and operation of the statistics inspectorate are stipulated by the Government.

Article 37. Rights and responsibilities of the statistics inspectorate

When conducting inspection, the inspection teams or individual inspectors shall have the following rights and responsibilities:

1. To produce inspection decisions and inspector's cards;
2. To request the inspected subjects and concerned parties to supply materials, evidences and reply on matters related to inspection contents;
3. To make inspection records and propose measures to deal with wrong-doings;
4. To apply measures to preclude and handle violations according to the provisions of law;
5. To properly follow the inspection order and procedures without troubling, harassing and obstructing production and business activities and normal operation of the inspected subjects;
6. To report to competent authorities on the inspection results and propose solutions;
7. To comply with laws, take responsibility before law for the inspection results and handling measures decided by themselves;
8. To keep secret inspection documents according to the provisions of law.

Article 38. Rights and obligations of inspected subjects

The inspected subjects shall have the following rights and obligations:

1. To request the inspection teams and/or inspectors to produce inspection decisions and inspector's cards and comply with the inspection legislation;
2. To create conditions for the inspection teams and inspectors to accomplish their tasks;
3. To supply materials, evidences and reply on matters related to inspection contents at the requests of the inspection teams and/or inspectors;
4. To abide by handling decisions of the inspection teams and/or inspectors according to the provisions of law;
5. To lodge complaints about, denounce or initiate lawsuits with competent State bodies against inspection decisions, acts of inspectors and conclusions and/or decisions of the statistics inspectorate, which they have grounds to believe that they are at variance with law;
6. To request compensation for damage caused by unlawful handling measures applied by the inspection teams or inspectors.

Chapter VII

COMMENDATION AND HANDLING OF VIOLATIONS

Article 39. Commendation

Organizations and individuals that record achievements in the statistical work shall be commended and/or rewarded according to the provisions of law.

Article 40. Handling of violations

Organizations and individuals that commit acts of violating the statistics legislation shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability; and, if causing damage, pay compensation therefore according to the provisions of law.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 41. Implementation effect

1. This Law shall take effect as from January 1, 2004.
2. The May 10, 1988 Accounting and Statistics Ordinance shall cease to be effective as from the effective date of this Law.

Article 42. Implementation detailing and guidance

The Government, the Supreme People's Court and the Supreme People's Procuracy shall detail and guide the implementation of this Law.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)
Nguyen Van An