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An Act to establish a body corporate to be known as Statistics Botswana; to require that official statistics be produced by means of a process that is guided by the National Statistical System; to provide principles for the production and dissemination of official statistics; and for matters incidental thereto.

Date of Assent: 24.12.2009

Date of Commencement: On Notice

ENACTED by the Parliament of Botswana.

PART I – Preliminary

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

Short title and commencement

2. In this Act, unless the context otherwise requires —
“agency” means a component of the National Statistical System that is carrying on statistical business;

Interpretation

“authorised officer” means —

(a) any officer of Statistics Botswana or the public service holding office of statistician; or

(b) any person authorised in writing by the Statistician General to perform a relevant function;

“Board” means the Board of Directors of Statistics Botswana constituted under section 6;

“business” means an activity carried on in the commercial, industrial or service sector, whether or not for profit, by any person or entity in the public or private sector, and includes branches of a business;

“census” means the collection of statistical data relating to —

(a) population and housing;

(b) enterprises and establishments;

(c) agricultural activities; or

(d) any other subject as Statistics Botswana may determine.

“Chairperson” means the Chairperson of the Board appointed under section 6;

“contractor” means a person appointed under contract to carry out, on behalf of the Statistician General, duties relating to the collection, compilation, analysis, abstraction, publication, archiving and dissemination of statistical information;

- “document” means a —
- (a) form, questionnaire, schedule, notice or report whether in print, electronic, photographic or hand written form;
 - (b) documentary recording or transcribed computer printout or record capable of being produced as a printout by a mechanical or electronic device; or
 - (c) medium or device by means of which information is recorded or stored;
- “metadata” means information about data;
- “member” means a member of the Board appointed under section 6 (2) and includes the Chairperson;
- “National Statistical System” means a system consisting of Statistics Botswana and all producers and users of statistics in the nation, that shall facilitate cooperation and consultation for the purpose of the development of statistics and the production of official statistics under the oversight of Statistics Botswana as provided in section 26;
- “official statistics” means statistics produced under section 26;
- “respondent” means any individual or household or any government ministry, or institution, business or other organisations who or which supplies or is required to supply statistical information;
- “return” means a document completed by —
- (a) a respondent; or
 - (b) an authorised officer of Statistics Botswana or of another government ministry or institution which produces statistics, for the purpose of producing official statistics;
- “senior officer” means an officer who holds —
- (a) the position of head of division or unit of any division or unit of Statistics Botswana, or a position equivalent thereto; or
 - (b) an officer defined as a senior officer by the Statistician General and the Board;
- “statistical business” means the planning, collection, compilation, processing, analysis, publication, dissemination and archiving of statistics;
- “statistical collection” means the process, for purposes of official statistics, of —
- (a) conducting a census or a sample survey; or
 - (b) collating administrative records or data for statistical business;
- “Statistician General” means the Chief Executive Officer of Statistics Botswana appointed under section 18;
- “statistics” means any aggregated numerical information, which is compiled and analysed according to sound and statistical methodology in accordance with accepted scientific principles, and is in connection with, or incidental to, any census or survey of all or any of the matters specified in the Second Schedule, and includes information derived from records of administration kept by line ministries, local authorities, and other agencies;

“Statistics Botswana” means the body corporate established under section 3 (1) as the pre-eminent national agency for the development and management of official statistics;

“survey” includes a survey of persons whereby information is collected from all persons in a field of inquiry or from a sample thereof, wholly or primarily for statistical purposes;

“System” means the National Statistical System.

PART II — *Statistics Botswana*

Establishment and Functions of Statistics Botswana

3. (1) There is hereby established a body to be known as Statistics Botswana.

Establishment
of Statistics
Botswana

(2) Statistics Botswana shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its own name and, subject to the provisions of this Act, of performing such acts as bodies corporate may by law perform.

4. (1) Statistics Botswana shall be —

Functions of
Statistics
Botswana

(a) pre-eminent national agency responsible for the development and management of official statistics; and

(b) the official source and the custodian of official statistics in the country.

(2) Without derogating from the generality of subsection (1), the functions of Statistics Botswana shall be to —

(a) collect, process, compile, analyze, publish, disseminate and archive official statistics on —

(i) commercial, industrial, financial, agricultural, social, economic, environmental, energy, communication, and general activities; and

(ii) conditions of living of households;

(b) advise Government and other agencies on policy, procedures and regulations relating to the development of official statistics;

(c) collaborate with Government ministries, departments and other agencies in the collection, compilation, processing, publication, dissemination and archiving of statistical information including statistics derived from routine administrative activities;

(d) develop and promote the use of statistical standards and appropriate methodologies;

(e) conduct the population and housing census every ten years and any other censuses such as agricultural, business censuses and surveys, as the Board may determine;

(f) organise and maintain a central depository of statistical reports, publications, documents and data from both within and outside Botswana;

(g) develop and maintain a business register for the purpose of creating a sampling frame;

- (h) develop and maintain a comprehensive national socio-economic database;
- (i) provide a focal point of contact with international agencies on statistical matters;
- (j) provide the Minister with a progress report on activities of Statistics Botswana bi-annually;
- (k) review the structure of Statistics Botswana as necessary; and
- (l) do all such things as are necessary, incidental or conducive to the functions of Statistics Botswana under this Act.

(3) Statistics Botswana shall, in carrying out its functions, exercise professional independence in the manner it collects, processes, analyses, reports, disseminates and archives statistical information in order to protect and enhance the integrity and impartiality of official statistics.

Seal of
Statistics
Botswana

5. (1) The seal of Statistics Botswana shall be such a device as may be determined by the Board and shall be kept by the Secretary of the Board.

(2) The affixing of the seal shall be authenticated by the Chairperson of the Board and the Secretary or any other person authorised by a resolution of the Board.

(3) Any contract or any agreement which, is entered into or executed by a person not being a body corporate, may be entered into or executed without the affixing of the seal.

Constitution and Qualifications of Board

Constitution
of Board

6. (1) There shall be a Board of Directors constituted as provided in subsection (2), which shall be the governing and policy making body of Statistics Botswana.

(2) The Board shall consist of nine persons appointed by the Minister, one of whom shall be a distinguished statistician and others be appointed in their capacity as senior officers of the following institutions —

- (a) Ministry of Finance and Development Planning;
- (b) Bank of Botswana;
- (c) Botswana Unified Revenue Service;
- (d) Ministry of Transport and Communications;
- (e) a University in Botswana;
- (f) Botswana Institute for Development Policy Analysis;
- (g) Botswana Confederation of Commerce, Industry and Manpower; and
- (h) a civil society organisation.

(3) The Statistician General shall be ex-officio member of the Board.

(4) The Minister shall appoint the Chairperson of the Board from members appointed under subsection (2).

(5) The Board shall elect the Vice Chairperson from among their number.

Tenure of
office

7. (1) A member of the Board shall hold office for the period specified in the instrument of his or her appointment, which shall not be more than five years.

(2) If otherwise qualified, a member is eligible for reappointment.

Qualifications,
removal and
resignation of
members of
Board

8. (1) The Minister shall not appoint a person to be a member unless satisfied that the person has qualifications, knowledge of, or experience in, statistics, economics, demography, information technology, geo-information or any other relevant field and has proven managerial ability.

(2) No person shall be appointed as a member or be qualified to continue to hold office who —

- (a) has in terms of a law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt and has not been discharged; or
 - (ii) made an assignment to, arrangement or composition with his or her creditors, which has not been rescinded or set aside;
- (b) has, within the period of 10 years immediately preceding the date of his or her appointment, convicted —
 - (i) of a criminal offence in Botswana; or
 - (ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence,

and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon.

(3) The Minister shall remove from office a member if the member —

- (a) is absent without reasonable cause from three consecutive meetings of the Board of which he or she has had notice;
- (b) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect;
- (c) contravenes the provisions of this Act or otherwise misconducts himself or herself to the detriment of the objectives of the Board.
- (d) has failed to comply with the provisions of section 14; or
- (e) has been convicted of an offence under this Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

(4) A member may resign from office by giving 30 days' notice in writing to the Minister.

(5) The office of a member shall become vacant after —

- (a) a period of 30 days from the date a ruling against the member is made on all appeals made in respect of charges levelled against him or her;
- (b) a period of 30 days has elapsed from the date the member has given notice in writing to the Minister under subsection (4), of his or her intention to resign;
- (c) a period of 30 days has elapsed from the date the member is given notice in writing by the Minister to vacate office; or
- (d) a member is summarily dismissed by the Minister for contravening the provisions of this Act or for misconduct under subsection (3)(c).

(6) For the purposes of subsection (3) (c) “misconduct” includes any act done without reasonable excuse by a member which —

- (a) amounts to a failure to perform in a proper manner, and duty imposed on him or her as such;
- (b) is prejudicial to the efficient carrying out, the functions of the Board; or
- (c) tends to bring the Board into disrepute.

Filling of
vacancy

9. (1) Where the office of a member becomes vacant before the expiry of a member’s term of office, the Minister shall appoint another person to be a member in the place of the member who vacates office, until the expiry of the period during which such member would have otherwise continued in office.

(2) Subsection (1) shall not apply where the remaining period in office for the member vacating office is less than six months.

Remuneration

10. The members of the Board shall be paid out of the funds of Statistics Botswana such remuneration and allowances, if any, as the Minister may from time to time determine .

Strategic
and annual
plan

11. (1) The Board shall submit a five year strategic plan to the Minister outlining —

- (a) the goals of Statistics Botswana;
- (b) the objectives of Statistics Botswana;
- (c) the budget of Statistics Botswana; and
- (d) any other matter which the Minister may direct, for that five year period.

(2) The Board shall, at least three months before the beginning of each financial year, submit an annual plan to the Minister, for the Minister’s approval, outlining —

- (a) the goals of Statistics Botswana;
- (b) the objectives of Statistics Botswana;
- (c) the budget of Statistics Botswana; and
- (d) any other matter which the Minister may direct, for that financial year.

Meetings and Proceedings of Board

Election of
Vice
Chairperson

12. (1) At the first meeting of the Board, the members shall elect, from among their number, a Vice Chairperson who shall hold office for two years.

(2) On the expiry of the term of office of the Vice Chairperson or where the Vice Chairperson vacates his or her office as such, a new Vice Chairperson shall be elected by the members from among their number at the next meeting of the Board or as soon thereafter as may be convenient.

(3) The Vice Chairperson may vacate his or her office as such even though he or she remains a member.

(4) The Vice Chairperson shall exercise the functions of the Chairperson during the period that the Chairperson is absent or unable to act as Chairperson.

13. (1) Subject to the provisions of this Act, the Board may regulate its proceedings.

Meetings of
the Board

(2) The Board shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Board shall meet at least once in every three months for the transaction of its business.

(3) Upon giving notice in writing, of not less than 14 days, a meeting of the Board may be called by the Chairperson and shall be called if not less than one half of the members so request in writing.

(4) Where the urgency of any particular matter does not permit the giving of notice in accordance with subsection (3), a special meeting may be called by giving a shorter notice.

(5) The quorum at any meeting of the Board shall be one half of the members.

(6) There shall preside, at any meeting of the Board —

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice Chairperson; or

(c) in the absence of the Chairperson and Vice Chairperson, such member as the members present may elect from amongst themselves for the purposes of the meeting.

(7) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

(8) The Board may invite any person whose presence it considers necessary to attend and participate in the deliberations of a meeting of the Board, but such person shall have no vote.

14. (1) Where a member is present at a meeting of the Board or any committee, at which meeting a matter which is the subject of consideration is one in which he or she is directly or indirectly interested in a private capacity, the member shall, as soon as is practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on any question touching upon such matter.

Declaration of
interest

(2) A disclosure of interest made in accordance with subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1) and a decision by the Board is made benefitting such a member, such decision shall be void.

(4) Any person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding 12 months, or to both, and for a second or subsequent offence to a fine not exceeding P5 000, or to imprisonment for a term not exceeding five years, or to both.

15. (1) The Board may appoint committees of a general, special or professional nature, consisting of its members or other suitably qualified persons.

Committees
of Board

(2) The Board may, by resolution, delegate to any committee of the Board the exercise of any of the powers which the Board or Statistics Botswana is authorised by this Act to exercise either generally or in any particular case.

(3) The Board shall appoint a Chairperson of any of its committees from amongst its members.

(4) An officer of Statistics Botswana appointed in writing by the Statistician General shall be secretary to any committee and shall on the instructions of the Chairperson of the committee convene meetings of the committee.

Meetings of committees

16. (1) The Chairperson of a committee may at any time convene a meeting of the committee.

(2) At any meeting of a committee the majority of members of the committee or such other number as may be fixed by the Board in any particular case shall form a quorum.

(3) A member of a committee shall be paid out of the funds of the Statistics Botswana, such remuneration and allowances, if any, as the Board may determine.

(4) Any reference in this Act to the Board or to the Chairperson in relation to the exercise of any power which the Board has delegated to a committee shall be construed as including a reference to that committee or to the Chairperson of that committee as the case may be.

Direction by Minister

17. (1) The Minister may, after consultation with the Board, give to Statistics Botswana such directions of a general character as to the exercise and performance of its powers in fulfilling of its functions as are necessary in fulfilment of public policy and which are not inconsistent with this Act or with the contractual and other legal obligations of Statistics Botswana, and Statistics Botswana shall give effect to any such directions.

(2) The Chairperson shall from time to time submit, to the Minister, reports with regard to matters relating to the activities of Statistics Botswana which in the opinion of Statistics Botswana, should be brought to the notice of the Minister.

(3) The Statistician General shall, when so requested by the Minister, furnish him or her with advice on matters in connection with the operation of Statistics Botswana or cognate matters and shall communicate, to the Minister, information acquired by Statistics Botswana in the course of its duties on the matters regarded by it as being of public importance.

The Statistician General and Staff of Statistics Botswana

Appointment of Statistician General

18. (1) The Minister shall appoint, on recommendation of the Board, the Chief Executive of Statistics Botswana, to be known as the Statistician General, upon such terms and conditions of service as shall be determined by the Board for a period not exceeding five years and the Statistician General appointed shall be eligible for re-appointment.

(2) In advising the Minister under this section the Board shall not recommend a person unless such person has the qualifications, experience and skills relevant to Statistics Botswana and its functions.

(3) While holding office, the Statistician General shall devote the whole of his or her professional services to Statistics Botswana and shall not, without the written approval of the Minister, receive any salary or supplement to salary from any source other than Statistics Botswana, or occupy any other office or employment, whether remunerated or not, except as a nominee of Statistics Botswana.

(4) Subsection (3) does not prevent the Statistician General from serving as a member of a board or committee established by the Government, or holding office as a member of the board of any other body, or an international statistical organisation of which Botswana is a member.

(5) The Statistician General shall be subject to such directions on matters of policy as may be given by the Board, and be charged with the administration and organisation of Statistics Botswana.

(6) The Statistician General may delegate to any senior officer of Statistics Botswana, the exercise of any powers which he or she is authorised to exercise under this Act.

(7) The Statistician General may resign from office by giving three months' notice in writing to the Minister.

(8) The Statistician General may be removed from office by the Minister giving the Statistician General three months' notice or three months' salary in lieu of notice.

(9) Notwithstanding the provisions of subsection (8), the Minister may remove the Statistician General from office at any time without giving notice for —

(a) misconduct or incompetence; or

(b) such conflict of interest as, in the opinion of the Minister, warrants his or her removal from office.

19.(1) The Board may, on recommendation by the Statistician General and upon such terms and conditions and for such period as may be determined by the Board, appoint such number of persons as Deputy Statistician General, as may be necessary for the proper discharge of the functions of Statistics Botswana.

(2) The Statistician General may, upon the appropriate terms and conditions —

(a) employ or engage such number of staff as may be necessary for the proper functioning of Statistics Botswana; and

(b) engage such other persons to provide advice to Statistics Botswana or perform specific functions or services as the Statistician General may determine.

(3) To enable Statistics Botswana to undertake population and housing census, agriculture census and household surveys, the Ministries responsible for local government, agriculture, transport and communications and for education and skills development, respectively, shall provide Statistics Botswana with personnel, facilities, transport and paying allowances to officers as is necessary.

Staff of
Statistics
Botswana

(4) Officers appointed under subsection (3) shall exercise such functions and duties as may be specified by Statistics Botswana, in accordance with the provisions of this Act and the Census Act, and shall not be subject to the direction or control of any person or authority other than Statistics Botswana in the performance of the functions and duties under this Act and the Census Act.

(5) The Minister may make Regulations establishing a statistical common service after consulting the Board and the Department of Personnel Services and Management.

(6) Regulations made under subsection (5) shall provide, *inter alia*, for the —

(a) deployment of the staff of Statistics Botswana who are qualified as statisticians to Government Ministries and Departments; and

(b) terms and conditions of the deployment, thereof.

Oath of
secrecy

20. (1) Every person employed in the execution of any duty under this Act or any regulation made thereunder shall, before entering upon his or her duties, make and subscribe to the oath or affirmation set out in the First Schedule before a Commissioner of Oath or before the Statistician General who is hereby authorised to administer such oath.

(2) Any contractor or his or her employee or agent shall be treated as an authorised officer if he or she is performing duties under this Act.

(3) The Statistician General and every officer of Statistics Botswana shall preserve and promote confidentiality in respect of all information that may come to his or her knowledge by reason of such employment.

(4) A person who fails or refuses to comply with subsection (3) commits an offence and shall be liable to a fine not exceeding P50 000 or to imprisonment for a term not exceeding five years, or both.

(5) The requirements of this section shall continue to apply even where a person ceases to be employed by Statistics Botswana.

Indemnity

21. No matter or thing done or omitted by a member of the Board, the Statistician General, a member of staff or a person engaged by Statistics Botswana shall, if the matter or thing is done *bona fide* in the course of the functions and operations of Statistics Botswana, render that member, officer, staff or person personally liable to an action, claim or demand.

Financial and Accountability Provisions

Funds of
Statistics
Botswana

22. (1) The funds of Statistics Botswana shall consist of —

(a) such moneys as may be appropriated by the National Assembly for the purposes of Statistics Botswana;

(b) such contributions and donations as Statistics Botswana may receive; and

(c) such fees as may accrue from the activities of Statistics Botswana.

(2) Statistics Botswana may borrow money —

- (a) to cover shortfalls within the annual estimates for the year approved by the Minister; or
- (b) with the approval of the Minister.

23. The financial year of Statistics Botswana shall be a period of 12 months ending on the 31st of March of every year.

24. (1) Statistics Botswana shall keep and maintain proper books of accounts in respect of every financial year relating to the assets, liabilities, income and expenditure of Statistics Botswana, and shall prepare, in each financial year, a statement of its accounts.

(2) The accounts of Statistics Botswana in respect of each financial year shall, within four months of the end thereof, be audited by an auditor appointed by the Board.

(3) An auditor appointed under subsection (2) shall report, in respect of the accounts for each financial year, in addition to any other matter on which the auditor considers it necessary to comment, including whether or not —

- (a) the auditor has received all information and explanation which, to the best of the auditor's knowledge and belief, were necessary for the performance of the auditor's duties;
- (b) the accounts and related records of Statistics Botswana have been properly kept;
- (c) Statistics Botswana has complied with all the financial provisions of this Act with which it is the duty of Statistics Botswana to comply; and
- (d) the statement of accounts prepared by Statistics Botswana was prepared on a basis consistent with that of the preceding year and is a true and fair representation of the transactions and financial affairs of Statistics Botswana.

(4) The Board shall, within 30 days of receiving the audited report of the accounts, forward a copy of the audited accounts to the Minister.

(5) The Minister shall, within 30 days of receiving the audited report of the accounts, lay a copy of the audited accounts before the National Assembly.

25. (1) The Board shall, within a period of six months of the end of the financial year or within such longer period as the Minister may approve, submit to the Minister, a comprehensive report on the operations of Statistics Botswana and of the Board during that year.

(2) The Minister shall, within 30 days of receiving the report, lay such report before the National Assembly.

Financial
year

Accounts
and audit

Annual
report

PART III — *National Statistical System, Official Statistics and Principles of Official Statistics*

Operation of
National
Statistical
System

26. (1) Statistics Botswana shall conduct its functions under this Act as a primary agency of a system to be known as the National Statistical System and shall coordinate, monitor and supervise the activities of the System relating to the matters listed in the Second Schedule, for the purpose of carrying out statistical business in accordance with the principles of official statistics.

(2) The National Statistical System shall comprise of additional agencies, which shall include all institutions in the country dealing with or directly associated with the —

- (a) provision of documents and other information for the purpose of and connected with the carrying out of statistical business;
- (b) use of official statistics and other statistics;
- (c) research and development of statistical methods and techniques; and
- (d) training and education.

(3) For purposes of producing official statistics, Statistics Botswana shall —

- (a) develop processes and procedures to facilitate coordination of and within the System in accordance with subsection (4);
- (b) direct the employment and maintenance of persons having appropriate standards for statistical purposes;
- (c) develop rules to ensure professionalism and efficiency;
- (d) enforce the requirements of the Act for the preservation and protection of confidentiality; and
- (e) develop strategies to enable the promotion of the use of statistics for —
 - (i) evidence based planning and decision making;
 - (ii) policy and programme formulation;
 - (iii) monitoring and evaluation of policy and programmes.

(4) Statistics Botswana shall, for the purpose of coordinating the activities and operations of the System, have particular regard to —

- (a) the avoidance of unnecessary overlapping or duplication in the collection or publication of data and information for statistical purposes;
- (b) the attainment of comparability and integration of statistics compiled by agencies of the System; and
- (c) the maximum utilisation of existing information and resources of data collection available in the System for statistical purpose.

(5) Statistics Botswana shall, in consultation with the committees appointed under section 27, —

- (a) coordinate all the activities and operations of the System; and
- (b) make rules and guidelines for the regulation and direction of any aspects of the System, in accordance with the principles of official statistics.

27. (1) The Board shall, in consultation with the various agencies that are components of the System as it may determine, for the purpose of providing expertise and advice to Statistics Botswana and the System in the production of official statistics, appoint —

- (a) inter-agency committees;
- (b) sector committees;
- (c) technical committees; and
- (d) task force committees.

(2) The committees appointed under subsection (1) shall be inclusive of the various agencies that are components of the System as may be determined by the Board.

(3) The Board shall determine the composition, functions and powers of each committee and may co-opt relevant experts as members of any committee.

(4) The functions of the committees shall include —

- (a) taking appropriate measures to ensure that the objectives of the System are carried out in a cost-effective and efficient manner in accordance with the principles of official statistics;
- (b) advising Statistics Botswana on the following —
 - (i) the state of statistical development;
 - (ii) data needs and users' priorities, and the use of statistics;
 - (iii) programme of censuses and surveys;
 - (iv) use of administrative records and coordination of administrative forms and statistical questionnaires;
 - (v) review of social, economic and environmental classifications;
 - (vi) content of social, economic and environmental databanks and modalities of access;
 - (vii) results of specialised committees assignments;
 - (viii) such other matters relating to statistics as the Board may require or a committee may deem necessary.
- (c) raising public awareness about the importance and role of statistical information to society;
- (d) promoting use of statistical information at individual, community, national, regional and international level, particularly for evidence-based policy formulation and decision-making;
- (e) promoting the use of best practice and international standards in carrying out of statistical business; and
- (f) building sustainable capacity for the production and use of quality statistical information in Botswana.

28. (1) Statistics Botswana shall, in accordance with the principles of official statistics as provided in section 29, and after due consultation with committees of the System appointed under section 27 and other relevant authorities and entities, produce official statistics, which shall be —

- (a) referred to as statistics produced for the national interest;
- (b) produced in accordance with national and international standards regarding concepts and definitions, classifications and methodologies;

- (c) protected by confidentiality of the identity of, and the information provided by respondents;
- (d) objectively compiled, comprehensive, relevant, accurate, reliable, timely, and accessible and sensitive to issues of gender, disability, regional localities and other socio-economic matters;
- (e) disseminated impartially in accordance with national and international standards;
- (f) compiled, reported and documented in a scientific and transparent manner with the inclusion of metadata;
- (g) derived from statistical censuses and surveys or the processing of administrative records.

(2) Official statistics shall provide guidance to the actions to be taken by the Government, private sector, civil society organisations, media, and general public regarding processes of policy and programme formulation, decision-making, monitoring and evaluation and public information.

(3) Statistics Botswana shall cause to be published, no later than three months after the end of the financial year, in the *Gazette* and any other media, a consolidation of the official statistics published in the preceding financial year.

(4) For purposes of this section, statistics in existence at the coming into operation of this Act shall be deemed to be official statistics if —

- (a) such statistics were published by the Central Statistics Office in its statistical reports; or
- (b) declared by Statistics Botswana to be official statistics and sealed by Statistics Botswana with its official seal for that purpose.

29. (1) Statistics Botswana shall ensure that the System carries out its primary objective of production and dissemination of official statistics in accordance with the principles of official statistics.

(2) The principles of official statistics shall be in accordance with the standards and principles issued by the United Nations Statistical Commission, which include the following —

- (a) practical utility, relevance of, and equal access to, statistics produced;
- (b) credibility through the exercise of professional independence, accountability and transparency in data production and dissemination;
- (c) legitimacy through a clear mandate for data access, production, and dissemination;
- (d) data quality covering relevance, accuracy, reliability, coherence, comparability, timeliness and use of international standards;
- (e) right of statistical agencies to comment on misleading interpretation and misuse of statistics;
- (f) cost-effectiveness through the maximum use of data from various sources provided that quality, cost and burden on respondents are considered;
- (g) confidentiality protection of individual data collected for statistical purposes;
- (h) national coordination for consistency and efficiency of the System; and
- (i) cooperation with agencies of the System, bilateral and multilateral organisations in order to share best practices and improve standards.

(3) The Minister may, on the recommendations of the Board, by Order, amend the principles of official statistics in accordance with internationally agreed recommendations and guidelines for good statistical practices.

PART IV – *Data and Information Collection*

30. Notwithstanding any other law, where Statistics Botswana has published a notice regarding commencing the process of statistical collection under section 39 or has produced and published official statistics in accordance with section 28 –

(a) no person may authorise the undertaking of a new official statistical collection or change or discontinue such statistical collection; and

(b) no person may undertake a new official statistical collection or change or discontinue such statistical collection, except with the approval of Statistics Botswana.

31. (1) Subject to the provisions of this Act and the directions of the Board, Statistics Botswana may collect statistics at such times, in such places or areas and in respect of such periods as may be prescribed, in relation to any aspect of all or any of the matters in the Second Schedule.

(2) The Minister may enter into arrangements with the Government of any country concerning any matter necessary or convenient for the purposes of carrying out the objectives of this Act.

(3) The Board may, with the approval of the Minister, enter into arrangements with national or international agencies with respect to any matter necessary or convenient for the purposes of carrying out its functions under this Act.

(4) The Board may, for the purpose of providing general statistical surveys of the state of the economy or any sector thereof direct, from time to time, the taking of a census of –

(a) population and housing;

(b) production;

(c) distribution and other services;

(d) agriculture; or

(e) any other matter of a socio-economic concern.

(5) For the purposes of this section –

(a) any person carrying on a business may be required, by notice published by Statistics Botswana in the *Gazette* or other media, to furnish returns for the purpose of a census or survey under this section;

(b) the notice shall be issued together with forms as required for the census or survey; and

(c) the census or survey may either be taken to cover all businesses in the field of production, distribution and other services, or farming or may be confined to such classes or descriptions of those businesses as may be prescribed.

Carrying out statistical collection without authorization prohibited

Matters for which statistics may be collected

(6) Without prejudice to the generality of subsection (5), the Minister may, by order published in the Gazette, exempt any person or any class or description of persons, either unconditionally or subject to prescribed conditions, from furnishing returns under this section.

(7) The Minister shall prescribe the matters about which a person may be required to furnish returns for the purposes of any census or survey under this section, the time within which any return is required to be made, and the period to which any census or survey relates.

(8) A census under this section may be conducted in conjunction with a census under the provisions of the Census Act.

Duty to furnish
required
information

32. For the purpose of enabling statistics to be collected otherwise than by way of census, every person shall, when required by the Statistician General or any authorised officer, furnish, in the form (if any) supplied by that officer, or in the absence of such form or where the person concerned is unable for any reason to complete such form, verbally, the particulars or information required by the relevant regulations relating to the matter in respect of which such particulars are, or such information is, required.

Duty of
individuals
to answer
questions

33. (1) An individual shall, to the best of his or her knowledge and belief, answer all such questions put to him or her verbally or in the form of a questionnaire served by the Statistician General or any authorised officer as are necessary for obtaining any information required for the collection of statistics in accordance with the provisions of section 31 or 32.

(2) An officer appointed under section 19 or an authorised officer may require any person to supply the necessary particulars either —

(a) by interviewing that person; or

(b) by sending, by telegraphic transfer or by leaving at or posting to that person's last known address, a form containing a notice requiring the form to be completed and returned in the manner and within the time specified in the notice.

Erection of
barriers on
roads

34. (1) For the effective carrying out of the provisions of this Act and notwithstanding the provisions of any law relating to the obstruction of roads, any authorised officer may, with the approval of, and accompanied by the police, erect a temporary barrier across any road provided that Statistics Botswana and the police shall erect the barrier at such distance as may be appropriate and shall take all such other steps as may be reasonably necessary to protect the users of the road from injury to themselves or destruction to their property.

(2) Where a person is required to do so by an authorised officer wearing such identification as may be prescribed and accompanied by a police officer, he or she shall, if a pedestrian stop or, if he or she is in charge of a vehicle, bring such vehicle to a standstill.

35. (1) The Statistician General shall oversee the conducting of statistical business and may, subject to the directions of the Board, cause statistics or abstracts thereof to be disseminated with or without observations and in such manner as he or she may determine.

Conducting
of statistical
business

(2) Anything disseminated in accordance with the provisions of subsection (1) shall be laid before the National Assembly by the Minister, within 14 days of publication.

36. (1) Subject to subsection (2), the Statistician General or an authorised officer with the written authorisation of the Statistician General may at all reasonable times for any purpose connected with the collection of statistical information, enter and inspect any land, building, vehicle, vessel or aircraft where persons are employed and may make such inquiries as may be necessary for the collection of the information, except that nothing in this section shall entitle the Statistician General or an authorised officer to enter any dwelling house except for a purpose connected with the collection of statistical information.

Entry and
inspection
of premises

(2) The Statistician General or an authorised officer shall not enter and inspect the premises in terms of subsection (1) unless he or she has obtained —

(a) the consent of the owner of the premises or the person in charge of the premises; or

(b) an order of the court permitting such entry.

(3) The court shall grant the application to enter any premises in terms of subsection (1) if it appears, on information given on oath or affirmation, that it is essential for national statistical purposes to collect specified statistical information from the premises.

(4) A court order permitting entry into any premises for purposes of this section shall —

(a) authorise entry of the Statistician General or authorised officer mentioned in the order into the premises identified in the order for the purpose of collecting statistical information specified in the order;

(b) be executed by day;

(c) be in force until it is executed, cancelled by the court or for a period of 30 days from the day of its issue.

(5) The Statistician General or authorised officer executing an order under this section shall, before such execution or upon demand by any person whose rights may be affected —

(a) present his or her identification card; and

(b) hand to such person a copy of the court order.

(6) A person shall not, for the purpose of statistical collection, be entitled to refuse to answer any question asked or to produce any document, book or other object requested on the ground that such answer, document, book or other object would incriminate him or her.

(7) Subject to an offence being committed in terms of section 49, incriminating evidence arising out of any answer a person may give to an authorised officer in answer to an enquiry made by that authorised officer, shall not be admissible in any criminal proceedings against that person.

PART V – Confidentiality and Disclosure Requirements

Disclosure of
information
prohibited

37. (1) The provisions of this Act shall not affect any law relating to the disclosure or non-disclosure of any official or confidential information or of any trade secret.

(2) Notwithstanding any other law, no return or other information collected by Statistics Botswana for the purpose of official statistics that relates to –

- (a) an individual;**
- (b) a household;**
- (c) a government department or agency;**
- (d) a business; or**
- (e) any other organisation,**

may, subject to subsections (3) and (4), be disclosed to any person.

(3) The return or other information referred to in subsection (2) may, subject to the directions of the Statistician General, be disclosed –

- (a) to the concerned officers of Statistics Botswana who have taken the oath of secrecy under section 20;**
- (b) to the individual from whom such return or other information was collected or his or her representative;**
- (c) with the prior written consent of the person from whom such return or other information was collected or his or her representative;**
- (d) where the information is already available to the public from the agency, business or other organisation concerned;**
- (e) in the form of lists of the names and addresses of individual agencies and other organisations and their classifications by function, type of legal entity, and range of numbers of members and employees, or other indicator of size;**
- (f) in the form of lists of the names and addresses of individual businesses and their classifications by industry or activity, type of legal entity, and range of numbers of employees or other indicator of size; and**
- (g) in the form of lists of the kinds of products produced, manufactured, stored, bought or sold, or services rendered, by businesses, agencies or other organisations or classes thereof.**

(4) Notwithstanding any other law –

- (a) an entry made in any document by the authorised officer under this Act; or**
- (b) a return or its contents,**

is not admissible as evidence in legal proceedings, except for purposes of any proceedings for an offence under this Act.

(5) Information collected by any person, agency, business or other organisation for his, her or its own purposes and communicated to Statistics Botswana is subject to the same confidentiality requirements as information collected directly by Statistics Botswana, irrespective of any other confidentiality requirements to which it may have been subject when it was collected.

(6) The results of the compilation and analysis of the statistical information collected in terms of this Act may not be published or disseminated in a manner which is likely to enable the identification of a specific individual, business or other organisation, unless that individual, business or organisation has consented to the publication or dissemination in that manner.

(7) Except for the purpose of a prosecution under this Act —

- (a) no individual return or part thereof, made for the purpose of this Act;
- (b) no answer given to any question put for the purpose of this Act; and
- (c) no report, abstract or other document, containing particulars comprised in any return of answers arranged in such a manner as to enable identification of such particulars with any person, business or organisation,

shall be published, admitted in evidence in any civil or criminal proceedings or shown to any person not employed in the execution of a duty under this Act unless the previous consent in writing thereto has been obtained from the person making such return or giving such answer.

(8) Nothing in this section shall prevent or restrict the publication of any report, abstract or other document, referred to in subsection (7) without the consent of the person making the return where the particulars in such report, abstract or other document is merely to enable identification of the fact that the particulars relate to an organisation or business which is the only organisation or business within its sphere of activities, except that in no case shall such particulars enable identification of the costs of production, the capital employed or profits arising in any such organisation or business.

(9) Nothing contained in this Act shall affect or be deemed to affect any law relating to the disclosure or non-disclosure of any official secret or confidential information, evidence or document, and any person required by the Statistician General or any authorised officer to supply any information, to give any evidence or to produce any document, shall be entitled in respect of such information, evidence or document to plead the same privilege before the Statistician General or an authorised officer, as before a court of competent jurisdiction.

(10) No person shall be required to supply any information under this Act which involves the disclosure of any technical process or trade secret in or relating to the organisation or business of which he or she is the owner or in the conduct or supervision of which he or she is engaged.

38. (1) Statistics Botswana may, with the approval of the Minister, undertake a joint collection of information or data with an international agency and disclose to such agency, in terms of subsection (2), the information or data collected in the course of the joint collection undertaking on condition that —

Disclosure
of statistical
information
to
international
agencies

- (a) the name, address or any other means by which the respondents may be identified is deleted;
 - (b) any person who is involved in the collection of, or who may use, that information or data, shall first take an oath or affirmation as provided in section 20 irrespective of whether he or she has taken an oath or affirmation in terms of any other law; and
 - (c) the Board is satisfied that the confidentiality of that information or data will not be impaired.
- (2) Statistics Botswana may, with the approval of the Minister, enter into partnership by way of memorandum of agreement with —
- (a) the head of another agency including international organisations in respect of technical assistance in statistical business; or
 - (b) any other person engaged in statistical business.
- (3) The agreement referred to in subsection (2) is subject to the following conditions —
- (a) the statistical business shall be undertaken either by Statistics Botswana or jointly by Statistics Botswana and that agency or body;
 - (b) the resulting statistics or information may be exchanged among the parties or shared with the other parties, as long as confidentiality of individual data is respected;
 - (c) every employee within the agency or body engaged in any such joint undertaking or to whom such statistics or information is made available, shall take an oath or affirmation as provided in section 20, whether or not he or she has taken an oath or affirmation in terms of any other law.

Duty to notify as to description of businesses for which returns are required

39. (1) The Statistician General may publish in the media, including the Government *Gazette*, in such manner as may appear to him or her to be sufficient for notifying persons concerned, a list of the classes or descriptions of businesses in relation to which returns will be required for the purposes of a particular census, survey or inquiry under this Act.

(2) It shall be the duty of every person carrying on business of a class or description provided in the notification published under subsection (1), who has not —

- (a) received notice under section 31 (5), or
- (b) been required to supply particulars or information under section 32 in relation to that census, survey or inquiry,

to inform the person specified in the advertisement, within a period of seven days after the date of publication of the advertisement, that he or she is carrying out business referred to in the advertisement and give to that person such prescribed particulars of the business as may be specified in the advertisement.

40. Every form, notice or other document given or issued by an authorised officer under this Act shall be deemed to be sufficiently authenticated if the name and logo of Statistics Botswana has been printed or stamped thereon.

Authentication of forms, notices and other documents

PART VI — *Access to records*

41. (1) The Statistician General or any person authorised to do so may have access to —

Access to public and other records

- (a) administrative data, records or documents in Government;
- (b) data, records or documents belonging to any local authority or other agencies;
- (c) financial statements from business enterprises; and
- (d) geographic information database including maps.

(2) All database and returns on public and other records accessed under this section shall be free of charge.

42. (1) For the purposes of this Act, the Statistician General or any person authorised to do so may, after consultation with the Commissioner General of the Botswana Unified Revenue Service (hereinafter referred to as 'Commissioner General'), have access, for statistical purposes, to —

Data-base under Income Tax Act Cap. 53:03

- (a) the aggregated income tax database;
- (b) the aggregated value added tax database; and
- (c) a person's individual data where it is deemed necessary in terms of subsection (2).

(2) The Commissioner General may permit access to individual data where he or she is satisfied with the —

- (a) reasons advanced by the Statistician General in support of the position reached that such individual data is essential for statistical purposes; and
- (b) measures to be taken by the Statistician General to maintain the confidentiality of the individual data to be accessed, as required under this Act and the Botswana Unified Revenue Service Act.

43. For statistical purposes under this Act, the Commissioner General shall cause to be sent to the Statistician General, on a monthly basis, a data base of imports and exports into and from Botswana, including all other variables related to imports and exports.

Data-base of exports and imports

44. The registrar or clerk of every court or tribunal administering criminal justice shall, at such times, in such manner and respecting such periods as the Board may direct, make returns and send them to Statistics Botswana, relating to the criminal cases handled by the court or tribunal during that period.

Returns of criminal records

45. (1) Data producers shall, in accordance with rules made by Statistics Botswana under section 26 (5) (b), process, disseminate and make accessible to public users, data collected or compiled using public funds.

Data dissemination and accessibility

(2) Each year, Statistics Botswana shall publish in advance the data to be produced together with the date for the release of the data.

(3) Statistics Botswana shall have a data release policy which shall be made available to the public.

(4) Statistics Botswana shall provide metadata on official statistics and shall update the metadata as and when changes and improvements are introduced.

(5) Notwithstanding section 37, the Statistician General may disclose —

(a) information available to the public under any enactment or public document;

(b) information in the form of an index or list of the names and addresses of individual businesses together with the telephone numbers at which they may be reached in relation to statistical matters, the industrial classifications allotted to them, the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, and the number of persons engaged;

(c) details of external trade, movement of aircraft, and cargo handled at ports; and

(d) information relating to a local authority or other statutory body.

(6) The Statistician General may disclose information in the form of individual records solely for bona fide research or statistical purposes provided that —

(a) all identifying information such as a name and address has been removed; and

(b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or business to which it relates.

(7) Every person to whom any individual records are disclosed pursuant to this section shall —

(a) not attempt to identify any particular person or business;

(b) use the information for research or statistical purposes only;

(c) not disclose the information to any other person or organisation;

(d) when required by the Statistician General, return all documents made available to him or her to the Statistician General; and

(e) comply with any directions given by the Statistician General relating to the records.

(8) Every person involved in the research or statistical project for which information is disclosed pursuant to this section shall take an oath or affirmation as set out in the First Schedule.

46. (1) Where the statistical information collected from individual returns, worksheets, or any other confidential source under this Act is to be copied or recorded on tape, card, disc, wire, film or any other method of recording and whether encoded or plain language or symbols are used for the processing, storage or reproduction of the information, the Statistician General shall take such steps as are necessary to ensure the security and confidentiality of the statistical information.

(2) The Statistician General shall account for and cause to be destroyed under strict supervision, all individual censuses, survey forms and returns used for the purposes of this Act and containing the name and address of a person or business after data have been processed and validated; but not before five years after the date of release of any census or survey.

47. The Statistician General may —

- (a) at his or her own instance or at the request of the Board or other agencies, review and comment on the production, analysis, documentation, storage, dissemination, interpretation and use of official statistics of any other person; and
- (b) after consultation with the head of that agency, publish any such statistics and comments thereon as he or she considers necessary or appropriate.

48. All letters, parcels and packets relating to statistics shall, if marked with the words “On Statistics Botswana” and when transmitted to or by the Statistician General or an authorised officer, be free of postal or other charges made for their conveyance or transmission.

Review of
other data by
Statistician
General

Letters, etc.
as to
statistics to
be
transmitted
post free

PART VII — *Miscellaneous*

49. (1) Any person who, in the execution of any function under this Act, or who at any one time executed any function under this Act, discloses or makes known any matter or thing in breach of an oath or affirmation made under this Act shall be guilty of an offence and be liable to a fine not exceeding P50,000 or to imprisonment for a term not exceeding five years, or to both.

Offences and
penalties

(2) Any person who, in the execution of any function under this Act or by virtue of his or her employment, becomes possessed of any information which might exert influence upon, or affect the market value of any share, interest, product or article, before such information is made public, directly or indirectly uses such information for personal gain, shall be guilty of an offence and be liable to a fine not exceeding P150,000, and to imprisonment for a term not exceeding 15 years, or to both.

(3) Any person who, in the execution of any function under this Act, knowingly makes or causes another person to make false returns or compiles, for issue or publication, any false statistics or information, shall be guilty of an offence and be liable to a fine not exceeding P30,000, or to imprisonment for a term not exceeding three years, or to both.

(4) Any person who makes, in any form or document filled in or supplied in pursuance of this Act or in answer to any question put to him or her under this Act, any statement which is false in any material particular, or having no reasonable ground for believing the same to be true, shall be guilty of an offence and be liable to a fine not exceeding P30,000, or to imprisonment for a term not exceeding three years, or to both.

(5) Any person who hinders or obstructs the Statistician General or an authorised officer in the execution of any of his or her functions under this Act, shall be guilty of an offence and be liable to a fine not exceeding P50,000, or to imprisonment for a term not exceeding five years, or to both.

(6) Any person who —

(a) refuses or neglects —

- (i) to fill in and supply the particulars required in any return, form or other document which by this Act he or she is required to fill in and supply;
- (ii) to answer any questions or inquiries put to him or her under this Act; or

(b) contravenes the provisions of section 32,

shall be guilty of an offence and be liable on conviction to a fine not exceeding P10,000, or to imprisonment for a term not exceeding one year, or to both.

(7) Any person who —

(a) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act;

(b) publishes or shows anything in contravention of the provisions of section 37; or

(c) not being an authorised officer in relation to the obtaining of any particular statistical information, holds himself or herself out to be an authorised officer for the purpose of obtaining or attempting to obtain that information, shall be guilty of an offence and be liable to a fine not exceeding P50,000 or to imprisonment for a term not exceeding five years, or to both.

(8) Any person —

(a) who, having the custody or charge of any documents or records that are maintained in any department or in any local authority, corporation, business or organisation, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of the information, refuses or neglects to grant access to the information to any authorised officer for the purpose of the Act;

(b) who otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act, shall be guilty of an offence and be liable to a fine not exceeding P50,000 or to imprisonment for a term not exceeding five years, or to both.

Regulations

50. (1) The Minister, after consulting the Board, may make regulations prescribing anything which, under this Act, is to be prescribed, or which is necessary or convenient, for the better carrying out of the objects and purposes of this Act, or to give cause and effect to its provisions.

(2) Without prejudice to the generality of subsection (1), regulations may —

- (a) prescribe the forms and documents to be used in connection with the collection of statistics;
- (b) prescribe the particulars and information to be furnished in relation to any matter in respect of which statistics may be collected under this Act;
- (c) prescribe the manner and form in which, and the times and places at which, and the persons by whom and to whom statistical information shall be furnished;
- (d) prescribe the fees payable by persons requiring statistical information from the Government; and
- (e) provide for the appointment of advisory committees and the fees or allowances payable to the members thereof.

(3) Regulations made under this section, may prescribe for any person who, without reasonable cause, fails to comply with regulation to be guilty of an offence and liable to a fine not exceeding P50,000 or to imprisonment for a term not exceeding 5 years, or to both, and in the case of a continuing offence, to a fine of P100 for every day during which such offence continues.

51. (1) All rights, assets and property vested in or in any manner held on behalf of or for the purposes of the Central Statistics Office immediately before the commencement of this Act shall be vested in Statistics Botswana.

Transitional
arrangements

(2) All liabilities and obligations subsisting against the Central Statistics Office immediately before the commencement of this Act shall thereafter continue to subsist against Statistics Botswana.

(3) Every contract in respect of any matter, being a contract between the Central Statistics Office and any other party immediately before the commencement of this Act shall thereafter continue to subsist between Statistics Botswana and such other party.

(4) All rights, powers and duties, whether arising under any written law or otherwise, which immediately before the coming into operation of this Act were vested in the Central Statistics Office shall, by virtue of this subsection, be transferred to, vested in, imposed on, or be enforceable by or against Statistics Botswana.

(5) On and after the coming into operation of this Act, all actions, suits or legal proceedings by or against the Government pending in respect of the Central Statistics Office shall be carried out on or prosecuted by or against Statistics Botswana and no such suit, action or legal proceedings, shall abate or be affected by the coming into operation of this Act.

(6) The annual estimates approved for the Central Statistics Office in respect of the financial year in which this Act comes into operation shall be deemed to be annual estimates of Statistics Botswana for the remainder of the financial year but those estimates may be varied by Statistics Botswana in such manner as the Minister may approve.

(7) Any person who is an officer or employee of the Central Statistics Office immediately before the coming into operation of this Act shall not be an officer or employee of Statistics Botswana but shall continue to be such officer or employee in the Civil Service and shall be deemed to be on secondment to Statistics Botswana for a period not exceeding six months from the coming into operation of this Act.

(8) A person seconded to Statistics Botswana under subsection (7) who, within six months from the coming into operation of this Act —

(a) has been offered and has accepted to enter into a written contract of service with Statistics Botswana, shall be deemed to have terminated his or her service with the Government without right to severance of pay but without prejudice to all other remunerations and benefits payable upon the termination;

(b) has not been offered, or has not accepted, to enter into a written contract of service with Statistics Botswana shall be redeployed by the Government.

(9) A person engaged in terms of subsection (8) (a) shall be employed on such terms and conditions as may be offered by Statistics Botswana and agreed to by Statistics Botswana and the person.

(10) A person referred to in subsection (9) who is transferred from the Civil Service to the employment of Statistics Botswana shall be permitted to continue the contribution to the Pensions Act or Pensions and Provident Funds Act or any other enactment in terms of which they are contributing towards a pension immediately before the transfer, subject to such terms and conditions as the Board, with the approval of the Minister, may determine.

(11) Subject to the provisions of this Act, the Board shall select and recruit such employees as the Board may deem necessary for the proper exercise of its functions and powers under this Act.

52. (1) The Statistics Act is hereby repealed.

(2) All subsidiary legislation made under the repealed Act, and in force immediately prior to the coming into operation of this Act shall, in so far as such subsidiary legislation is not inconsistent with the provisions of this Act, continue in force as if made under this Act.

Cap. 27:01
Cap. 27:03

Repeal of
Cap. 17:01
and Savings

FIRST SCHEDULE
(Section 20 (1))

(Oath or affirmation to be made or subscribed to by a member of the Board or employee of Statistics Botswana or other person who performs statistical duties under this Act)

I.....*do swear/do solemnly affirm that I will faithfully and
(Full names)

honestly fulfil my duties as..... in conformity with the
(designation)

requirements of the Statistics Act and that I will not otherwise than in the ordinary course of my employment as such, without the written authority of the Board or the Statistician General, disclose or make known any matter or thing which comes to my knowledge by reason of my said employment.

SO HELP ME GOD.

.....
*Member of the Board/Employee

* Sworn or affirmed and subscribed to this.....day of.....20.....

.....
Statistician General/Commissioner of Oaths

* Delete whichever is not applicable

SECOND SCHEDULE
(Section 26 (1))

(Matters concerning which statistical information may be collected)

1. **Population (covering basic demographic characteristics such as age, sex, mortality, fertility, migration, etc.)**
2. **Vital events (births, deaths, marriages, etc.)**
3. **Disability**
4. **Hotels (including lodges, guest houses etc), catering and tourism**
5. **Health and nutrition (including morbidity, mortality, etc.)**
6. **Education and literacy**
7. **Cultural, political and religious activities**
8. **Sports and recreation**
9. **Housing**
10. **Real property**
11. **Land (tenure, acquisition, etc.)**
12. **Labour (employment and unemployment, economically inactive population, conditions of work, hours of work, salaries, wages, bonuses, fees, allowances and any other direct and indirect emoluments)**
13. **Income and expenditure**
14. **Assets and liabilities**
15. **Production**
16. **Taxation**
17. **Industrial disturbances and labour disputes**
18. **Occupational injuries, accidents, diseases and compensation**
19. **Finance, banking, insurance and business services**
20. **External finance and balance of payments**
21. **Capital investment**
22. **Capital stock**
23. **Savings**
24. **Personal and household expenditure and consumption**
25. **International and external trade**
26. **Insurance and finance**
27. **Wholesale and retail trade**
28. **Manufacturing, construction and allied industries**
29. **Mining and quarrying, including the prospecting of metallic, non-metallic, petroleum and natural gaseous products**
30. **Agriculture, including animal husbandry, horticulture and allied industries.**
31. **Livestock Inventory (livestock births, deaths, purchases, sales, home slaughter, etc.)**
32. **Forestry and logging**
33. **Hunting and gathering**
34. **Fishing**
35. **Stock**
36. **Wholesale, producer, retail and prices of goods and services**
37. **Storage and warehousing**

38. Characteristics of economically active persons (industry, occupation, status in employment, educational level, etc.)
39. Child labour
40. Social security
41. Labour market and labour cost
42. Energy (electric power, fuel and gas, etc.)
43. Water (quality, consumption, abstraction/production, etc.)
44. Waste, waste water, sewerage and sanitary services
45. Transport and communication
46. Information, science and technology
47. Government
48. Community and personal services
49. Handicrafts and rural industries
50. Informal sector
51. Sweepstakes, lotteries, charitable and other public collections of money
52. Hire purchase
53. Co-operatives
54. Environment
55. Climate (temperature, rainfall, greenhouse gases, ozone depleting substances, etc.)
56. Air (air pollution, air quality, etc.)
57. Wildlife (population, poaching, hunting licenses, etc.)
58. Justice, crime and civil cases
59. Commercial and professional undertakings
60. Social welfare
61. Non-governmental organisations
62. Societies, clubs and other groupings
63. HIV/AIDS
64. Poverty
65. Natural Disaster (floods, droughts, etc.)
66. Businesses and House Listing
67. Other matters as approved by the Board

PASSED by the National Assembly this 15th day of December, 2009.

B.N. DITHAPO,
Clerk of the National Assembly.