

Law n. 71 of 23 May 1995 (published on 1 June 1995)

COLLECTION OF STATISTICAL DATA AND COMPETENCES IN THE FIELD OF PUBLIC DATA PROCESSING

**We the Captains Regent of the
Most Serene Republic of San Marino**

Promulgate and make public the following Law approved by the Great and General Council during its sitting of 23 May 1995.

TITLE I

COLLECTION OF STATISTICAL DATA

Article 1

(Centralised statistical system)

The Data Processing Centre and Statistics (CEDS), a division of the Economic Planning Office of the Department of Budget and Economic Planning, is responsible for the search, processing and official publication of the public statistical data of the Republic.

Any other centre processing statistical data relative to public statistics or public data processing centres shall coordinate with the Centre mentioned in the preceding paragraph, which is responsible for guaranteeing the methodological correctness of any data survey and collection, as well as the impartiality and completeness of the statistical information provided. Without prejudice to the above mentioned coordination, if an Office or Body of the public sector has its own statistical service, data shall be collected exclusively by the competent service and exchanged with the CEDS.

Any publication containing official data shall coordinate with the data of the CEDS or include the survey and processing criteria justifying the existing dissimilarity.

The analysts in charge of establishing data processing procedures for the State or public bodies shall contact the Statistical Division of the CEDS to establish the need for providing or coordinating specific statistics through such procedures.

Article 2

(Tasks of the Data Processing Centre and Statistics)

Besides the other tasks assigned to it by the regulations on public data processing or by specific rules, the CEDS shall:

a) promote and realise the survey, processing, dissemination and storage of statistical data concerning the Public Administration on the basis of a statistical program made public at the time of

its adoption and whenever it is changed, as well as of provisions and guidelines of the Congress of State (Government) or upon request of other Public Administration bodies;

b) collaborate with the statistical research initiatives carried out by other agencies and Public Administration bodies by providing consistency criteria and standards and in particular the necessary codifications for a shared use of data and for compliance with the international rules contained in the Conventions signed by San Marino;

c) provide the Public Administration bodies, agencies, associations and individual citizens with the data and statistical information requested by them, except for data protected by the secrecy provided for in Article 5 hereunder and without prejudice to the payment of tariffs to be established by means of a specific regulation;

d) provide international bodies and foreign administrations with data and information on the basis of the obligations assumed by the State towards these bodies and administrations and it shall be informed of the provision of such data by other offices or public bodies. It shall assess the advisability of providing data irrespective of these obligations in consultation with the interested Ministries.

Article 3

(Obligation to provide statistical data)

The Congress of State shall approve, within three months since the entry into force of this Law, the basic statistical program containing the kind of data that public offices are authorised to collect and it shall subsequently approve any necessary amendment to this program.

If not otherwise provided for by law or indicated by the Guarantor provided for in Title V of Law n. 70 of 23 May 1995, all offices, agencies and public bodies shall have the obligation to collaborate in the provision of any data and information requested from them for the surveys expressly provided for in the statistical program referred to in the first paragraph and communicated to all those obliged to provide the data. The same obligations and the same procedure shall also apply to specific and extraordinary surveys. Data may also be transmitted on-line or magnetically in order to facilitate their acquisition and processing.

The same obligation and the same safeguards shall apply to private entities for the surveys provided for in the statistical program or specific and extraordinary surveys.

Anyone not providing the data and information requested in conformity with this Law, or knowingly providing incorrect or incomplete data, shall be subject to an administrative sanction by virtue of Title IV of Law n. 68 of 28 June 1989. The amount of this sanction, to be imposed by the Guarantor provided for in Title V of Law n. 70 of 23 May 1995 ex officio or upon indication of the competent Public Administration bodies, shall be established in the Decree provided for in Article 32 of the above mentioned Law n. 68 of 28 June 1989.

Article 4

(Professional secrecy of the staff of statistical offices)

Without prejudice to what provided for regarding this matter by the Criminal Code in force, the rules concerning the confidentiality of personal data, contained in the Law regulating the

computerised collection of personal data, and the rules pertaining to professional secrecy contained in the existing Law governing public employment shall apply to all staff members of statistical offices, also in case they are employed under extraordinary conditions and are not on the payroll.

Article 5

(Provisions for the protection of statistical secrecy)

Data collected in the context of statistical surveys conducted by the CEDS shall be provided exclusively in aggregated form, so that no personal data can be deduced, and they shall be used only for statistical purposes.

The data referred to in the first paragraph shall be communicated to external, public or private entities exclusively in aggregated form on the basis of individual non-nominal data. These data belong to the entire community and shall be disseminated for study, knowledge and research purposes to anyone requesting them in conformity with this Law.

In case it is deemed necessary for the highest interest of the Republic, the Congress of State, having heard the opinion of the Guarantor provided for in Title V of Law n. 70 of 23 May 1995, may apply the statistical secrecy also to aggregated data for the purpose of their dissemination.

In particular, data pertaining to banking and financial institutes shall be collected only through the Office of Banking Supervision and disseminated in the forms indicated by this Office.

Article 6

(Further provisions for the protection of statistical secrecy)

The rules protecting the confidentiality provided for in Titles I – IV of Law n. 70 of 23 May 1995 – “Reform of Law n. 27 of 1 March 1983 regulating the computerised collection of personal data” – shall also apply to the collection, processing and publication of data for statistical purposes.

TITLE II

COMPETENCES IN THE FIELD OF PUBLIC DATA PROCESSING

Article 7

(Competent Authority)

The Minister of Finance, Budget and Planning or, with a specific provision at the time of the assignment of the tasks, another Minister member of the Congress of State shall be competent to coordinate the preparation, management and development of the data processing plan of the State and of the computerised data processing systems of the Public Administration, as well as the computerisation of offices and the planning of information transmission networks. With regard to this last aspect, competence shall be exercised in agreement with the Ministry of Posts and Telecommunications.

This competence and coordination shall be exercised over the entire public sector with regard to the promotion of projects, planning, provision of data processing products and services, conclusion of

contracts and conventions for development and management purposes, as well as adoption of technical rules and recruitment and training of data processing experts.

In performing the above mentioned functions, the authority shall resort to the Technical Commission provided for in Article 8 hereunder and to the operational and administrative support of the Economic Planning Office.

The authority set forth in this Article shall be competent to implement the provisions of the Guarantor provided for in Title V of Law n. 70 of 23 May 1995, to issue the regulations included in letter h) of Article 16 of the same Law, to establish implementation priorities based on budget and to organise administrative inspections to monitor compliance with confidentiality and data protection rules by public offices or by agencies and companies responsible for managing public data processing or telematic activities and services.

Article 8

(Technical Commission on Data Processing)

The Technical Commission on Data Processing shall be established within the Ministry of Finance, Budget and Planning, with the responsibility of providing support and advice regarding the decisions about the data processing plan of the State and the computerisation of the overall public sector.

This Commission shall be composed of:

- the Director of the Economic Planning Office, who shall preside over it;
- the General Administrative Secretary;
- the Expert of the Data Processing Service and Statistics;
- a Representative of the Group "Organisation and Methods" of the Employment Office.

The Economic Planning Office shall represent the logistical and administrative point of reference of the Commission, prepare its documentation and record the proceedings of its sittings.

The Commission may resort to the support and advice of other Public Administration officials or of external experts for the purpose of examining the single problems or projects.

In particular, the Commission shall take care that the development of data processing in the Public Administration and in the entire public sector takes place according to homogeneous and integrated technical and organisational modalities, thus guaranteeing the interfunctionality and coordination of the initiatives proposed.

The Commission's opinions shall be of a technical nature and binding for the approval of the contract schemes concerning the acquisition of goods and services relative to computerised data processing systems.

The authorities in charge of approving the contract schemes shall appropriately motivate any decision derogating from the Commission's opinion and take full responsibility thereof.

Article 9

(Final and transitional provisions)

The provisions set forth in Law n. 48 of 16 September 1946, Title VII “Demographic statistics and censuses”, Articles 30, 31, 32, 33 and 34, shall be repealed.

Article 10

(Entry into force)

The present Law shall become effective the fifth day following the date of its legal publication.

Issued from Our Residence on 30 May 1995/1694 since the Foundation of the Republic

THE CAPTAINS REGENT

Marino Bollini – Settimio Lonfernini

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS

Antonio L. Volpinari