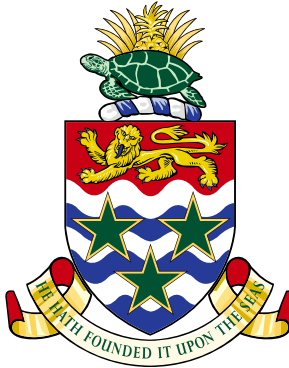


**CAYMAN ISLANDS**



# **STATISTICS LAW**

**(2016 Revision)**

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## PUBLISHING DETAILS

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Law 2 of 1970 consolidated with Law 12 of 1988, Law 21 of 2010 and Law 14 of 2016.

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Law 2 of 1970-24th March, 1970

Law 12 of 1988-9th September, 1988

Law 21 of 2010-28th June, 2010

Law 14 of 2016-6th May, 2016.

Consolidated and revised this 28th day of July, 2016.

*Note (not forming part of the Law): This revision replaces the 2011 Revision which should now be discarded.*



# CAYMAN ISLANDS



## STATISTICS LAW

(2016 Revision)

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## CAYMAN ISLANDS



# STATISTICS LAW

(2016 Revision)

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**Short title**

1. This Law may be cited as the *Statistics Law (2016 Revision)*.

**Definitions**

2. In this Law —

“**annual publication and dissemination calendar**” means the schedule of release of statistical reports to the public by the Economics and Statistics Office published annually in the Gazette and in any other medium;

“**authorized officer**” means an employee of the Economics and Statistics Office directed by the Director to conduct a statistical task under this Law;

“**Director of the Economics and Statistics Office**” or “**Director**” means the officer of the Economics and Statistics Office appointed by the Cabinet to be responsible for the gathering and collation of statistics;

“**Economics and Statistics Office**” means the Unit of the Ministry of Finance responsible for the gathering and collation of statistics; and

“**statistical reports**” means reports prepared by the Economics and Statistics Office on statistics collected in accordance with section 7.

**Duties of Director of the Economics and Statistics Office**

3. The duties of the Director of the Economics and Statistics Office are —
- (a) to collect, compile, analyse, abstract and publish statistical information relative to the commercial, industrial, social, economic and general activities and condition of the people;
  - (b) to collaborate with all departments of Government in the collection, compilation and publication of statistical records of administration;
  - (c) to take any census of the Islands; and
  - (d) generally to organise a co-ordinated scheme of social and economic statistics and intelligence pertaining to the Islands,
- in accordance with this Law.

**Power to direct taking of census**

4. The Cabinet may, at any time, direct that a census shall be taken for the Islands or any part thereof and any such direction may prescribe —
- (a) the date on which such census shall be taken;
  - (b) the person by whom and with respect to whom the returns for such census are to be made; and
  - (c) the particulars to be stated in the returns.

**Duty of Director of the Economics and Statistics Office to carry out census**

5. The Director of the Economics and Statistics Office shall make such arrangements and do all such things as are necessary for the taking of a census in accordance with this Law and the regulations, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection and collation of the said forms

**Census regulations**

6. To enable a direction under section 4 to be carried into effect, the Cabinet may make regulations —
- (a) providing for the division of the Islands into districts for the purpose of such census and for the appointment of persons to act in those districts in connection with such a census;
  - (b) requiring any person appointed under this section to perform such duties in connection with the taking of such census as may be prescribed;
  - (c) requiring the executive officers of public, charitable and other corporations and institutions to make returns with respect to such census;
  - (d) requiring information to be given to the persons to whom the returns are to be made; and



- (e) making provision with respect to any other matters as regards which it may be necessary to make provision for the purpose of carrying into effect this Law.

### Other statistics

7. (1) With the approval of the Cabinet, the Director of the Economics and Statistics Office shall collect, whether in conjunction with the census or not, statistics relating to all or any of the following matters —
- (a) population and housing thereof;
  - (b) immigration and emigration;
  - (c) vital occurrences and morbidity;
  - (d) social and educational matters;
  - (e) imports and exports;
  - (f) trade and commerce;
  - (g) industry and merchandising;
  - (h) land tenure, occupation and condition of land, and the produce thereof;
  - (i) primary and secondary production;
  - (j) wages, hours and conditions of labour and cost-of-living index;
  - (k) employment, unemployment and pay rolls;
  - (l) industrial disturbances and disputes;
  - (m) injuries, accidents and compensation;
  - (n) wholesale and retail prices;
  - (o) stocks of manufactured and unmanufactured goods;
  - (p) transport and communication by land, water and air;
  - (q) transfers, mortgages and leases of land;
  - (r) fire, marine, life, accident and other insurance and assurance;
  - (s) incomes and earnings;
  - (sa) the system of national accounts and balance of payments; and
  - (t) such other matters as may be prescribed.
- (2) Notwithstanding subsection (1), no information shall be required to be given under this section by or on behalf of any company exempted under section 164 of the *Companies Law (2016 Revision)*, but the information may be given voluntarily by or on behalf of any such exempted company if the exempted company has a place of business in the Islands for the purpose of conducting economic activity in the Islands for a period of not less than one year after the survey period prescribed by the Director for the purpose of subsection (1).

**Compilation, etc., of statistics**

8. (1) The Director of the Economics and Statistics Office shall cause the statistics and other particulars collected pursuant to this Law to be compiled and tabulated, and shall cause such statistics and particulars, or abstracts thereof, or extracts therefrom, with or without observations thereon, to be published “in accordance with the annual publication and dissemination calendar as the Cabinet shall direct.
- (1A) Individual data collected by the Economics and Statistics Office for statistical compilation, whether they refer to natural or legal persons, are strictly confidential and shall be used exclusively for statistical purposes and the *Freedom of Information Law (2015 Revision)* does not apply to any such individual data.
- (2) No report, summary of statistics or other publication under this Law shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which a return or answer was made or given for the purposes of this Law, contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

**Oaths**

9. Every person employed in the execution of any duty under this Law or the regulations shall, before entering on his duties, make and subscribe before a Justice of the Peace an oath or affirmation in Form 1 or 2 in the Schedule.

**Forms, etc.**

10. Particulars collected under this Law, either at a census or at any other time shall be obtained in such manner as may be prescribed, and it is the duty of the Director of the Economics and Statistics Office, subject to the directions of the Cabinet, to prepare the schedules, forms or other documents required for the purpose.

**Supply of information required in forms**

11. (1) For the purposes of this Law, the Director or an authorized officer may, either orally or in writing, request a person —
- (a) to fill up and supply, in accordance with the instructions contained in or accompanying a schedule, form or document, the particulars specified in that schedule, form or other document; and
- (b) to cause the schedule, form or other document so filled up to be furnished to the Director, or to an authorised officer, in accordance with those instructions.





- (2) For the purposes of this Law, the Director may, by notice in writing served either personally or by post on a person, direct the person —
  - (a) to fill up and supply the particulars specified in a form accompanying the notice, in accordance with instructions contained in or accompanying the form, within such period after the service of the notice, being no less than thirty days, as is specified in the notice; and
  - (b) to cause the form so filled up to be furnished to the Director, or to an authorized officer, in accordance with those instructions.
- (3) Every person directed by notice under subsection (2) shall —
  - (a) fill up and supply, in accordance with the instructions contained in, accompanying or having reference to any schedule, form or other document accompanying the notice, the particulars specified in that schedule, form or other document; and
  - (b) cause the schedule, form or other documents so filled up to be furnished to the Director in accordance with those instructions, within such period as is specified in the notice.

### **Leaving notice at home**

- 12.** The leaving by any person employed in the execution of a duty under this Law or regulations at any house or part of a house of any schedule, form or other document purporting to be issued under this Law or the regulations and having thereon a notice requiring that it be filled up and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the household, shall, as against the occupant, be a sufficient requirement so to fill up and sign the schedule, form or other document, though the occupant is not named in the notice or personally served therewith.

### **Leaving notice at office, etc.**

- 13.** The leaving by any person employed in the execution of a duty under this Law or the regulations at the office or other place of business of any person, partnership, firm, association, institution or body corporate, or the delivery of a registered letter to any person, partnership, firm, association, institute or body corporate, or his or its agent, of any schedule, form or other document purporting to be issued under this Law or the regulations and having thereon a notice requiring that it be filled up and signed within a stated time, shall, as against the partnership, firm, institution, association, the members thereof and each of them, or the body corporate, be a sufficient requirement so to fill up and sign the schedule, form or other document, and, if so required in the notice, to post the schedule, form or other document, within a stated time to the Director of the Economics and Statistics Office.

**Answering questions**

- 14.** (1) For the purpose of this Law, the Director or an authorized officer may, either orally or in writing, request a person to answer a question that is necessary to obtain any statistical information in relation to any matter referred to in section 7.
- (2) For the purposes of section 7, the Director may, by notice in writing served either personally or by post on a person, direct the person to answer, within such period after service of the notice, being not less than thirty days, as is specified in the notice, a specified question that is necessary to obtain any statistical information in relation to any matter referred to in section 7.
- (3) For the purposes of this Law, a person shall, to the best of that person's knowledge and belief, answer all questions asked of that person by the Director or any person authorized in that behalf —
- (a) by any regulation; or
  - (b) in writing by the Director

**Right of entry**

- 15.** Where the Cabinet has, under section 7, approved the collection of statistics relating to any matter, the Director of the Economics and Statistics Office or any person authorised in that behalf —
- (a) by the regulations; or
  - (b) in writing by the Director of the Economics and Statistics Office,
- for the purpose of making any enquiries or observations necessary for obtaining such statistics, may at all times and provided that he is in possession of a prescribed identity card enter —
- (i) where the matter in respect of which the Cabinet has approved the taking of statistics is a census under section 5, any premises where persons are employed and any dwelling house; or
  - (ii) where the matter in respect of which the Cabinet has approved the taking of statistics is not a census under section 5, any premises where persons are employed except a dwelling house.



**Access to public records**

**16.** Where the Cabinet has, under section 7, approved the collection of statistics relating to any matter, any person who has the custody or charge of any Government, parochial, municipal or other public records or documents or any individual, corporation, partnership, firm, association or institution from which, in the opinion of the Director of the Economics and Statistics Office, information sought in respect of the matter in relation to which the Cabinet has approved of the collection of statistics can be obtained or which would aid in the completion or correction of such statistics, shall grant to the Director of the Economics and Statistics Office or any person authorised in that behalf —

- (a) by the regulations; or
- (b) in writing by the Director of the Economics and Statistics Office,

access thereto for the obtaining of such information therefrom.

**Restriction on publication of returns**

**17. (1)** No individual return, nor part thereof made, and no answer to any question put for the purposes of this Law or the regulations, shall be published:

Provided that this shall not apply —

- (a) in a case where the consent in writing of the person to whom, or the owner for the time being of the property, business or undertaking to which such return or answer related has been previously obtained; or
- (b) in the case of and for the purpose of a prosecution under this Law or the regulations.

**(2)** No information derived from any Government, parochial, municipal or other public records or documents relating to any individual, corporation, partnership, firm, association or institute shall be published in such form as to enable any person to identify such information as relating to any individual, corporation, partnership, firm, association or institute, except —

- (a) in the case of information relating to an individual, partnership or firm, with the consent in writing of such individual or of all the partners of such firm, as the case may be; and
- (b) in the case of information relating to a corporation or an unincorporated association or institution after the passing by the directors or other governing body (by whatever name known) of such corporation or unincorporated association or institution, or if there is no such governing body by the members of such corporation or unincorporated association or institution, of a resolution approving of the publication of such information:

Provided that this prohibition shall not apply in the case of and for the purpose of a prosecution under this Law or under the regulations.

(3) In this section —

“**publish**” includes to communicate by any manner whatever, orally or in writing, or to reveal in any manner whatever, and whether to a court of law or to any other tribunal, or to any person whatever, other than a person employed in the Unit upon duties connected with this Law.

### **Offences by person employed for purposes of this Law**

**18.** (1) A person who is assigned or employed for purposes of this Law or the Regulations and who —

- (a) by virtue of such assignment or employment becomes possessed of any information which might exert an influence upon or affect the market value of any product, article or chose in action and, before such information is made public in accordance with this Law, directly or indirectly uses such information for personal gain;
- (b) without lawful authority, publishes or communicates to any person otherwise than in the ordinary course of such assignment or employment any information acquired by him in the course of his assignment or employment; or
- (c) knowingly compiles for issue any false statistics or information,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year or to both, or on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of three years, or to both.

- (2) A person in possession of any information which to his knowledge has been disclosed in contravention of this Law, who publishes or communicates such information to any person not authorised to receive it, commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year, or to both, or on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of three years, or to both.

### **Offences of obstruction, etc.**

**19.** A person who —

- (a) hinders or obstructs the Director of the Economics and Statistics Office or any person duly authorised in the execution of any power conferred under this Law or the Regulations;
- (b) after receiving from the Director, a direction by notice in writing under this Law, fails to comply with the direction;
- (ba) being required to furnish information or to supply particulars under this Law, knowingly or recklessly makes any statement relating to the information or particulars which is false or misleading in any material



particular or furnishes information or supplies particulars which are false or misleading in any material particular or who practices any other deception in furnishing the information or supplying the particulars;

- (c) without lawful authority, destroys, defaces or mutilates any schedule, form or other document containing particulars collected under this Law or the Regulations, or who writes or marks on any schedule, form or other document issued for the purpose of this Law or the Regulations any irrelevant matter; or
- (d) accepts the office or assignment as enumerator or agent or similar appointment or assignment under this Law or the Regulations and afterwards, without lawful excuse, refuses or neglects to perform any duty required by this Law or the Regulations to be done or performed by him or any duty assigned to him by the Director of the Economics and Statistics Office or other superior officer,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year, or to both, or on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of three years, or to both.

### **General Penalty**

- 20.** A person who commits any offence under this Law or the Regulations for which no specific penalty is provided is liable on summary conviction to a fine of one thousand dollars.

### **Regulations**

- 21.** The Cabinet may make regulations generally for giving effect to this Law, and without prejudice to such general power may make regulations —
- (a) requiring particulars and information to be supplied at prescribed times by persons in prescribed areas for prescribed periods;
  - (b) requiring particulars and information to be supplied as to the addresses and occupations of persons;
  - (c) prescribing what schedules, returns and information are to be verified by oath and the form of oath to be taken;
  - (d) prescribing the rates of remuneration and allowances to be paid to persons employed under this Law or the regulations;
  - (da) prescribing fees, tariffs or charges for any customized statistical service provided on request under this Law;
  - (e) prescribing a tariff to be paid to the general revenue of the Islands for the collection of statistics to be supplied under this Law, and for any special investigation carried out by the Unit; and

- (f) prescribing all things required to be prescribed by this Law.



## SCHEDULE

### section 9

#### Form 1

##### Form of Oath

1. I, \_\_\_\_\_ of \_\_\_\_\_ solemnly swear that I will faithfully and honestly fulfil my duties as \_\_\_\_\_ in conformity with the requirements of the *Statistics Law (2016 Revision)* and all orders, regulations and instructions issued in pursuance thereof, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

#### Form 2

##### Form of Affirmation

2. I, \_\_\_\_\_ of \_\_\_\_\_ solemnly and sincerely affirm and declare that I will faithfully and honestly fulfil my duties as in conformity with the requirements of the *Statistics Law (2016 Revision)* and all orders, regulations and instructions issued in pursuance thereof, and that I will not without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.

**Publication in consolidated and revised form authorised by the Cabinet this 30th day of August, 2016.**

**Kim Bullings**  
*Clerk of Cabinet*