



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

STATISTICS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca



STATISTICS ACT

Table of Contents

| Section | Page |
|---|------|
| 1. Definitions..... | 5 |
| 2. Conflict with FOIPP Act..... | 5 |
| 3. Prince Edward Island Statistics Bureau | 5 |
| 4. Bureau’s mandate..... | 5 |
| 5. Employment of staff..... | 6 |
| 6. Certifying statistical information | 6 |
| 7. Employee’s oath or affirmation of confidentiality | 6 |
| 8. No discrimination in performance of functions | 7 |
| 9. Departments shall grant access | 7 |
| 10. Examination of returns..... | 7 |
| 11. Information not to be used as evidence in legal proceedings | 8 |
| 12. Agreements with Statistics Canada..... | 8 |
| 13. Agreements for collection and exchange of information | 9 |
| 14. Disclosures to respondents..... | 9 |
| 15. Proof of appointment | 9 |
| 16. Declaring whether reply is mandatory | 10 |
| 17. Failure to respond is an offence | 10 |
| 18. Violation of certain sections of the Act..... | 10 |
| 19. Penalty for offence | 10 |



STATISTICS ACT

CHAPTER S-5.2

1. Definitions

In this Act

- (a) “**Bureau**” means the Prince Edward Island Statistics Bureau established by this Act;
- (b) “**Director**” means the Director of Statistics designated under this Act;
- (c) “**Minister**” means the Minister of Finance;
- (d) “**record**” has the same meaning as in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01;
- (e) “**respondent**” means a person from whom any report or information is sought under this Act;
- (f) “**return**” means the record of any report or information provided by a respondent;
- (g) “**Statistics Canada**” means the statistics bureau referred to in the *Statistics Act* (Canada). 2010,c.45,s.1; 2012,c.17,s.2; 2015,c.28,s.3.

2. Conflict with FOIPP Act

If a provision of this Act is inconsistent with or in conflict with a provision of the *Freedom of Information and Protection of Privacy Act* or of any other enactment, the provision of this Act prevails to the extent of the inconsistency or conflict. 2010,c.45,s.2.

3. Prince Edward Island Statistics Bureau

- (1) There is hereby established, within the public service of the province, a statistical branch to be known as the Prince Edward Island Statistics Bureau.

Attachment to department

- (2) The Bureau, for administrative purposes, shall be attached to and form a part of the department over which the Minister presides. 2010,c.45,s.3.

4. Bureau’s mandate

- (1) The Bureau may plan, promote and develop integrated social and economic statistics relating to the province or the government or both and, in particular, may
 - (a) collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic, educational, recreational and other activities and conditions of the province and persons in the province;
 - (b) collaborate with or assist departments in the collection, compilation and publication of statistical information, including statistics derived from the activities of those departments; and

- (c) promote the avoidance of duplication in the collection of information by the departments.

Additional powers for Bureau

- (2) In addition to the powers conferred upon the Bureau under subsection (1), the Lieutenant Governor in Council may authorize the Bureau to collect, compile, analyse, abstract and publish such other statistics or statistical information as the Lieutenant Governor in Council may deem necessary.

Rules, instructions and forms

- (3) The Minister may establish such rules, instructions and forms as may be necessary for conducting the work of the Bureau. *2010, c.45, s.4.*

5. Employment of staff

- (1) Such employees as are required for the administration of this Act shall be appointed and employed in accordance with the *Civil Service Act R.S.P.E.I. 1988, Cap. C-8.*

Director of Statistics

- (2) The Minister shall designate a person employed in the public service under the Minister to be the Director of Statistics who shall carry out the duties of the Director under this Act.

Idem

- (3) The Director designated in subsection (2) shall be the manager of the Bureau and shall
- (a) advise the Minister on matters relating to the Bureau;
 - (b) advise and help departments with statistical matters, projects and programs; and
 - (c) under the direction of the Minister, supervise the administration of this Act and matters arising under the Act.

Services of other employees

- (4) The Minister may, for such period as the Minister may determine, use the services of any employee in any department in the exercise or performance of any function by the Bureau under this Act, and any employee whose services are so used shall, for the purposes of this Act, be deemed to be a person employed under this Act while the person's services are so used.

Contract services

- (5) The Minister may engage any person under contract to perform services for the Minister or the Bureau under this Act, and any person so engaged and the employees and agents of that person shall, for the purposes of this Act, be deemed to be engaged under this Act while performing those services. *2010, c.45, s.5.*

6. Certifying statistical information

A certificate purporting to be signed by the Director certifying information or calculations using information obtained under this Act is evidence of the information and calculations stated in the certificate. *2010, c.45, s.6.*

7. Employee's oath or affirmation of confidentiality

- (1) The Director and every person employed or otherwise engaged under this Act shall, before entering upon their duties, take and subscribe an oath or affirmation in the following form:

I,, do solemnly swear (or affirm) that I will faithfully and honestly fulfil my duties on behalf of the Prince Edward Island Statistics Bureau in conformity with the *Statistics Act* and all rules and instructions under it and that I will not, without due authority, disclose or make known any matter or thing that comes to my knowledge in the performance of my work under the *Statistics Act*.

Administration of oath or affirmation

- (2) The oath or affirmation referred to in subsection (1) shall be taken before a commissioner for taking affidavits for Prince Edward Island and shall be recorded in a manner authorized by the Minister. *2010, c.45, s.7.*

8. No discrimination in performance of functions

- (1) No person shall, in the performance of his or her functions under this Act, discriminate between persons to the prejudice of any such persons.

Sampling methods

- (2) The Minister may authorize the use of sampling methods for the collection of statistics. *2010, c.45, s.8.*

9. Departments shall grant access

A person having the custody or control of any information or records in any department shall grant access to the information or records for the purposes of this Act to the Director or a person authorized by the Director. *2010, c.45, s.9.*

10. Examination of returns

- (1) Except as otherwise permitted by this section or for the purposes of a prosecution under this Act, no person, other than a person employed or otherwise engaged under this Act and sworn or affirmed under section 7, shall be permitted to examine any return under this Act that identifies a respondent or other person.

Disclosure of information

- (2) Except as otherwise permitted by this section or for the purposes of a prosecution under this Act, no person employed or otherwise engaged under this Act and sworn or affirmed under section 7 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such manner that it is possible from any such disclosure to relate the particulars obtained from any return to any identifiable respondent or other person.

Disclosure by Minister

- (3) The Minister may authorize
- (a) the particulars of any information obtained in the course of administering this Act to be disclosed to Statistics Canada pursuant to an agreement under section 12; or
 - (b) the particulars of any information collected pursuant to an agreement under section 13 to be disclosed to a party to the agreement.

Disclosure by Director

- (4) The Director may authorize the disclosure of
- (a) information that was collected by a respondent from other persons for the respondent's own purposes and then disclosed to the Bureau, but such information shall remain subject to

- (i) the same confidentiality that the information was subject to when collected by the respondent, and
- (ii) may only be disclosed by the Bureau in the manner and to the extent agreed upon by the respondent from whom the Director obtained it;
- (b) information relating to a person or the person's business if the person consents in writing to the disclosure;
- (c) information available to the public from other sources under any enactment or other law; and
- (d) information in the form of an index or list of
 - (i) the names, telephone numbers and locations of individual organizations, establishments, firms or businesses, and
 - (ii) the products produced, manufactured, processed, transported, stored, purchased or sold, or the services provided, by individual organizations, establishments, firms or businesses in the course of their business. *2010, c.45, s.10.*

11. Information not to be used as evidence in legal proceedings

- (1) Except for the purposes of a prosecution under this Act, any return made to the Bureau or the Director pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings, and no person employed or otherwise engaged under this Act and sworn or affirmed under section 7 shall be required in any proceedings to give oral testimony or to produce any return, document or record with respect to any information obtained from a respondent in the course of administering this Act.

Application

- (2) Subsection (1) applies in respect of any information that the Bureau is prohibited by this Act from disclosing or that may only be disclosed pursuant to an authorization under subsection 10(3) or (4). *2010, c.45, s.11.*

12. Agreements with Statistics Canada

- (1) The Minister may make agreements with Statistics Canada
 - (a) for the purpose of sharing with Statistics Canada
 - (i) replies to any specific statistical inquiries,
 - (ii) replies to any specific classes of information collected under this Act,
 - (iii) any tabulations or analyses based on replies referred to in subclause (i) or (ii) or both, or
 - (iv) information obtained by the Bureau under this Act; and
 - (b) for the collection of information jointly with Statistics Canada or on its behalf, for the sharing of that information with Statistics Canada and for subsequent tabulation or publication based on that information.

Application of agreement

- (2) Except in respect of information described in subsection 10(4), no agreement made under this section applies to any reply made to or information collected by the Bureau before the date that the agreement was made or is to have effect, whichever is the later date. *2010, c.45, s.12.*

13. Agreements for collection and exchange of information

- (1) The Minister may make agreements with a department or agency of the Government of Prince Edward Island or of the Government of Canada or of the government of a province, or with a municipality, a corporation, or any other organization whether incorporated or not, for the collection of information by the Bureau jointly with them or on their behalf and for the sharing of that information with them and for subsequent tabulation or publication based on that information.

Agreement provisions

- (2) An agreement under subsection (1) must provide that
- (a) the respondent shall be informed that the information is being collected jointly on behalf of the Bureau and the other party to the agreement by a notice to that effect; and
 - (b) the agreement shall not apply in respect of any respondent who gives notice in writing to the Director that they object to sharing of information between the Bureau and the other party to the agreement.

Objection of respondent

- (3) If a respondent objects to the sharing of information between the Bureau and any other party to an agreement under subsection (1), the Bureau shall not share the information in a form that would identify the respondent.

Inclusion of replies

- (4) A sharing of information pursuant to an agreement under subsection (1) may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the Bureau and the other party to the agreement.

Application

- (5) Subsections (1) to (4) do not apply to an agreement with Statistics Canada. *2010, c.45, s.13.*

14. Disclosures to respondents

A person employed or otherwise engaged under this Act and sworn or affirmed under section 7, who seeks information from a respondent under this Act, must first give that person's name and title of office to the respondent and advise the respondent

- (a) of the purpose of the survey;
- (b) if the request is one that the respondent must comply with under section 16, that the respondent must comply with the request within the time and in the form required by the Director;
- (c) whether the information collected from the respondent will be or might be shared pursuant to an agreement under section 12 or 13; and
- (d) if the information collected from the respondent will be or might be shared pursuant to an agreement under section 13, of the respondent's right to object to the sharing of the information. *2010, c.45, s.14.*

15. Proof of appointment

Any document purporting to be signed by the Minister or the Director that refers to any appointment or removal of, or instructions to, any person employed or otherwise engaged in the administration of this Act is evidence

- (a) of the appointment, removal or instructions; and
- (b) that the document was signed and addressed as it purports to be. *2010,c.45,s.15.*

16. Declaring whether reply is mandatory

- (1) If the Director believes on reasonable grounds that a mandatory response from respondents to the Bureau in respect of a request for information under this Act is necessary to ensure the reliability of the statistics produced by the Bureau, the Director may declare that all respondents must comply with a request for information under this Act in a form and within such time as the Director may require.

Exception

- (2) A respondent is not required to reply to a request for information under this Act unless the Director has declared that all respondents must comply with the request. *2010,c.45,s.16.*

17. Failure to respond is an offence

If the Director has declared under section 16 that all respondents must comply with a request for information under this Act, a respondent who fails to comply with the request within the time and in the form required by the Director is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000. *2010,c.45,s.17.*

18. Violation of certain sections of the Act

Every person employed or otherwise engaged under this Act who, after taking the oath or affirmation set out in section 7,

- (a) wilfully makes any false declaration, statement or return in the performance of the person's duties;
- (b) in the pretended performance of the person's duties, obtains or seeks to obtain information that the person is not authorized to obtain;
- (c) violates subsection 10(2);
- (d) wilfully discloses to any person not entitled to receive it under this Act, any information obtained in the course of employment that might exert an influence upon or affect the market value of any stocks, bonds or other security, or any product or article; or
- (e) uses any such information for the purpose of speculating in any stocks, bonds or other security, or any product or article,

is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000. *2010,c.45,s.18.*

19. Penalty for offence

Every person who falsely represents that the person is making an inquiry under the authority of this Act or under the authority of the Minister or Director, is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000. *2010,c.45,s.19.*