

## **Puerto Rico Institute of Statistics Act<sup>†</sup>**

Act No. 209 of August 28, 2003, as amended by:

Act No. 170 of July 27, 2004

Act No. 217 of August 9, 2008

Act No. 279 of August 15, 2008

Act No. 112 of July 15, 2015

Act No. 154 of September 18, 2015

Act No. 143 of August 8, 2016

Act No. 162 of August 9, 2016

Act. No. 142 of July 11, 2018

### **(S.B. 391)**

To establish the Puerto Rico Institute of Statistics to promote changes in the systems for the gathering and analysis of the generated information for same to be more complete, reliable and of swift and universal access; to set forth the powers and prerogatives of the Institute; to provide with regard to its Board of Directors, its duties and its powers; to create the Special Fund for the Institute of Statistics; to establish the Statistics Coordination Committee; to set forth its duties; to impose penalties; and to appropriate funds.

### **STATEMENT OF MOTIVES**

In today's world, access to data and information may constitute a determining advantage, both at the personal and the governmental levels. Decision making is a process that becomes more difficult in view of the degree of recognized complexity reached by matters, the volume of information that may be available for actions to be based upon them, and the impact caused by each decision upon other sectors. Therefore, there is an urgent need for the essential information for decision making to be available to the public, for such information to be produced promptly, and for the data included to be reliable. The truth is that there is a general dissatisfaction and numerous criticism for the delays with which information is supplied by government agencies and the credibility of the indicators and reports of the results of opinion surveys, as well as of the procedures used to produce them both in the public and private level.

Government administration should be extremely careful in avoiding real or apparent conflict created by government agencies being both the producers and consumers of the data and information they furnish. Government should not be subject to the criticism, claims of manipulations and the current credibility crisis in government supplied information.

On the other hand, the traditional economic measure indices are the same that were developed many years ago. As a consequence, accelerated economic changes have brought products that are not only different, but also ever more intangible or abstract. Even the sectors that are most regulated may escape the measuring because new products and informal markets cannot be measured nor described with the traditional indices.

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<sup>†</sup> DISCLAIMER: This is not an official translation of the Puerto Rico Act No. 209 of August 28, 2003, known as the Puerto Rico Institute of Statistics Act. This is a translation prepared by the Institute for its use and to facilitate to others an idea of what the Law establishes. The Institute is not responsible for the errors and inconveniences that this translation may cause.

Other factors that affect the weakening of the production of government statistics are the delay in the training of the personnel, the retirement of the personnel that had the theoretical and practical knowledge, the insufficiency of advanced technological programming and equipment, low salaries, scarce collaboration from the firms that have the information, and the limited inter-agency coordination in the production of statistics.

This situation is addressed through this legislation by means of the creation of an autonomous entity that shall be responsible for the establishment of criteria and norms for the gathering and analysis of government agency information, as well as from the private sector interested in demonstrating and providing public evidence of the objectivity and accuracy of the information offered based upon the statistical data.

This legislation complements the ambitious project initiated by the Government for the implementation of electronic intercommunication and information systems. In turn, the projected technological changes impose the obligation to modernize the systems in effect for the production of data, the restoration of credibility and the avoidance of privileged or unique access to the information obtained by sectors of particular interest to the detriment of the public interest.

*BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:*

Article 1.- This Act shall be known as the Puerto Rico Institute of Statistics Act.

Article 2.- Definitions

For purposes of this chapter, unless another meaning clearly arises from the context of the chapter itself, the following words and phrases shall have the following meanings:

- a. "Statistics Coordination Committee" means the government organism in charge of ensuring the flow and continuity of data and statistics, clarify problems regarding access to statistical data and information and propose solutions to problems pertaining to the operation of statistical units.
- b. "Confidentiality" means the guarantee that the data that may identify natural or legal persons shall not be disclosed, and that in the administrative procedure of compiling, processing and registering all statistical products or information, it shall be assured that the use given to the statistical data shall only be for the required use, and that any other disclosure, use or publication is strictly prohibited. Moreover, the guarantee that the data provided by said persons shall not be used against them in administrative or legal procedures, except when such information has been obtained independently from the statistical process and without knowledge of the protected disclosure. Any information that by legal definition is established as "public information" or "public document" is hereby excepted.
- c. "Improper disclosure" means a disclosure by means of which any natural or juridical person may be identified by the data supplied by same and published by any government organism. When sensitive information about a natural or juridical person is

published in such a manner that said person may be identified, or when the published data may bring about the detection of any individual characteristic of any natural or juridical person. For such purposes, multiple natural or juridical persons affiliated among themselves by motives relevant to the disclosed information shall be considered as one single person.

- d. "Private entity" means any person, natural or juridical, including profit or nonprofit corporations, partnerships, special partnerships, associations, organisms or collectives that are local or doing business in Puerto Rico.
- e. "Special Fund for the Institute of Statistics" means the fund under the custody of the Puerto Rico Institute of Statistics for the financing of projects to improve statistical methodologies, processes or products in government organisms.
- f. "Nomenclature" means the system of terminology pertaining to statistics.
- g. "Government organisms" means any department, board, commission, bureau, office, agency, administration, organism, public corporation, or political subdivision of the Government of the Commonwealth of Puerto Rico, including municipal governments.
- h. "Person" means any natural or juridical person, whether private or a public official, and any group thereof.
- i. "Statistical product" means the set of quantitative results obtained through a systematical process of qualifying, gathering or compiling, treatment, analysis and disclosure of primary data obtained from diverse natural and juridical persons regarding relevant facts for the study of economic, social, demographic, environmental and other types.
- j. "Administrative register" means any information depository set forth by law or regulation, to give faith, authenticate, certify or validate the existence of an event, status, or condition of the subjects or objects whose files are maintained in said depository.
- k. "Statistical Production Service of the Commonwealth of Puerto Rico" means the set of activities and data produced for the preparation of the statistical product developed by statistical units of the government organisms.
- l. "Statistical units" means all programs, offices of assistants, areas, bureaus, divisions, offices, or any other government administrative organism divisions responsible for the production of statistics.

Article 3.- For the purpose of promoting changes in the data and statistics compilation systems for these to be more complete, reliable, and swiftly and universally accessible, the Puerto Rico Institute of Statistics is hereby created, henceforth "the Institute", as an autonomous administrative and fiscal entity of the Executive Branch. In order to ensure and promote the abovementioned independence, which is necessary to exercise the sensitive functions

entrusted to the same, the Institute shall be exempted from §§ 1001 et seq. of this title, known as the "Public Documents Administration Act", §§ 8161 et seq. of this title, known as the "Act for Regulating Certain Government Financing and Personal Property Leasing Contracts", §§ 1461 et seq. of this title, known as the "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico", §§ 1451 et seq. of this title, known as the "Puerto Rico Public Service Labor Relation Act", §§ 283-283p of this title, known as the "Puerto Rico Government Accounting Act", §§ 931 et seq. of this title, known as the "General Services Administration Act", and from the Register for Bidders attached to such Administration, and §§ 458 et seq. of Title 1, known as the "Transitional Process of Government Act".

The Institute shall have the power to adopt, promulgate, amend, and repeal any rules, orders, and regulations to govern the processes related to the management, contracting or recruiting of its human capital, the property, and the administration of its budget, among others, as it may deem necessary and appropriate in the exercise of its powers and the performance of its duties. In the exercise of this power, the Institute may incorporate any progressive administrative principles that ensure the contracting, selection and recruitment of persons that meet the criteria of personal and professional integrity, excellence, competence, and objectivity; promote professional development, the protection of rights, and the granting of benefits deemed appropriate for the personnel; maximize resources; and guarantee the proper and prudent use of public property and funds.

The main mission of the Institute is to coordinate the Statistical Production Service of the government bodies of the Government of the Commonwealth of Puerto Rico, to require information from both the public and private sector, within the parameters defined in this chapter, and to elaborate, in coordination with the Executive Power and the Legislature, the public policy on the development of government statistics.

The fiscal operations of the Institute shall be audited and examined by the Office of the Comptroller of the Commonwealth of Puerto Rico, at least once every two (2) years.

The Institute shall have its own juridical personality, and shall be able to sue and be sued. In addition, it shall be able to acquire, for value or for free, the equipment, materials and services necessary to comply with this chapter.

Article 4.- The statistics system of the Commonwealth of Puerto Rico shall be comprised by the statistics units of the different government organisms. Since it is a decentralized system, the government organisms shall continue carrying out their functions related to the information and statistical activity that according to law they must carry out.

In exercising the responsibilities conferred by this Act, the Institute shall establish, by means of regulation, the criteria and norms that shall govern the data and statistics gathering, and analysis process originated by government and private entities; prepare the guidelines, and nomenclatures to be used by all government entities; validate and approve the methods and procedures for the gathering, analysis, interpretation, and disclosure of the economic, social, environmental, health, and public safety statistics, as well as those of any other sector pertaining to the government and private endeavors. The norms, guidelines, or regulations adopted by the Institute for the implementation of this Act shall be binding for all government

entities, consequently they are obliged to comply with all norms and orders promoted by the Institute regarding the statistical information that they generate and publish. Regulations shall be adopted pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act".

Article 5.- In addition to the general responsibilities set forth by law, the Institute shall have the following duties and powers:

- a. To establish the quality criteria for the data and statistics compiling systems in the government agencies, performance indices, degree of reliability of the information, suitability and effectiveness of indicators pursuant to the needs of our people and the requirements of modern economics.
- b. To set forth the norms and nomenclature for the statistical products and the typification of the procedures and methods that shall govern the statistical activities. This item shall also apply to the government organisms that receive federal funds for the management and production of statistical information, unless otherwise provided in any applicable federal regulation, pursuant to, or at the express written request of, a federal agency.
- c. To analyze, interpret and disclose the statistical data and information obtained by means of their own survey, government agencies, or external sources, and to produce their own statistics, as deemed necessary to complement the statistical production of the government organisms.
- d. To promote public access and expedite the delivery of data, statistics and reports based on said information produced by the government agencies, with the exception of the reserve that is essential to protect the privacy owed to the firms, individuals and entities that claim the confidentiality guarantees that proceed in law.
- e. To set forth strict docket by means of regulation for the publication of statistical data and information, in coordination with government organisms. Similarly, the Institute shall establish the necessary mechanisms to ensure compliance with said docket that the government organisms, among which it may include the imposition of administrative fines provided by this chapter.
- f. To prepare and maintain an up to date Inventory of Statistics of the Commonwealth of Puerto Rico. Said document shall contain all important statistical activities performed or planned to be performed by government organisms, as well as a detailed listing of all the statistical products, series or indicators produced. Furthermore, it shall contain the publication docket of the statistics of the government organisms.
- g. To publish the Inventory of Statistics of the Commonwealth of Puerto Rico along with the methodology used in the preparation of such statistics and the adopted regulations in the Government's Gateway on the Internet.
- h. To practice audits of compliance with the norms and regulations it adopts of its own accord or by request of an interested party, to identify corrective measures that should

be adopted and to formulate the public statements that it deems justified for the achievement of the objectives set forth in this chapter, after notifying the agency chief, the person concerned, the Legislature, and the Governor in writing.

Any government organism concerned subject to an inspection, review, investigation or auditing process under this subsection shall be bound to expedite access to any document, material, information or space that the Institute deems necessary, or otherwise shall be subject to the imposition of fines, as set forth by this chapter. The Institute shall promulgate regulations to establish the parameters of the evaluation and auditing processes.

- i. To promote continued theoretical and practical training for the personnel assigned to the tasks of compiling data and statistics in government agencies, procure the provision of the technology, programming and equipment necessary for such personnel, as well as the fair remuneration that stimulates their permanence in public service.
- j. To broaden the interagency coordination in the production of data and statistics to avoid duplication of efforts and lack of coherence between interrelated factors. For such purposes, the Institute shall prepare norms, methods and procedures to improve the Statistical Production Service, regulate the surveys, census, returns, documents, forms, questionnaires, interviews, and any other method used by government organisms for the compiling of information so as to reduce the burden imposed upon informants from private entities, eliminating [duplication] in the information requirements, and increasing the efficiency of the processes. To achieve this, it shall establish the necessary mechanisms to review, demand modifications, or vouch for the utilization of any medium.
- k. To perform of its own accord, or by request to such effects, studies and investigations regarding the data and statistics compiling systems as requested by government agencies, as well as the municipal governments and the federal government.
- l. To offer expert counseling to the government agencies and the municipal governments that collaborate or are interested in information on the procedure used to prepare the federal census and on any other census or survey that is either projected or carried out.
- m. To develop coordination between the Institute, the government agencies and the public and private educational entities to expedite academic research on the effectiveness of the data and statistics compilation systems pursuant to the experiences and recommendations of scholars on this matter and on experience in the implementation of said systems. To such effects, it shall promote and urge the formation of experts in the diverse fields of statistics and their application.
- n. To provide, in coordination with government organisms, the priority actions regarding statistical activities and the objectives and goals for achieving the development of said statistical activities. For said purposes, the Institute shall prepare the Statistical Information Annual Plan, which shall contain recommendations regarding:

1. Priority improvement of the statistical processes and products of government agencies, including resources such as personnel, equipment, systems, and required studies;
  2. Programming of projects to be charged to the Institute of Statistics Fund;
  3. All those new products that should be produced with the corresponding activities for their implementation;
  4. The results of any audits performed pursuant to this chapter.
- o. To provide collaboration to the Puerto Rico Federal Affairs Administration in its duty to promote the full inclusion of Puerto Rico statistics that are collected by local and Commonwealth government organisms, in those statistics of national reach that are produced by the agencies of the Federal Government and by non-governmental organizations that receive federal funds, in order to have mechanisms for measuring and comparing Puerto Rico's development and the performance of Puerto Rico's population with the states of the United States, in accordance with the provisions of Article 4, paragraph (j), of Act No. 77 of June 19, 1979, as amended, known as the Puerto Rico Federal Affairs Administration Act.
  - p. To oversee that the national accounting methodologies are in accordance with the United Nations National Account Systems.
  - q. To serve as a single center for the processing of information requests for the private sector.
  - r. To be the co-owner of all the information and statistic product developed by government organisms; to be able to aggregate it, diffuse it and sell it as it deems convenient, subject to the confidentiality requirements established in this chapter.

In the case of the sale, the same shall be conducted pursuant to the commonwealth and federal norms that govern these matters.

The provisions of this subsection shall not work in prejudice of exclusivity rights contained in any agreement executed by any government organism with any person, whether natural or juridical, that has been signed prior to the date of effectiveness of this act.

- s. To serve as consultation and cooperation entity for all organisms in the provision of technical services specialized in the field of statistics, such as coordinating or taking samples or surveys, among others, upon written request of the heads of the government organisms. The Director of the Institute may require from the government organism making the request the reimbursement corresponding to the expenses incurred in the processing thereof.
- t. Develop and implement educational initiatives that promote knowledge in the field of

data collection and statistics systems, and in the public policy established in this Act, in which every candidate certified by the State Elections Commission, as well as anyone nominated by the Governor to occupy a post or position that requires the confirmation of the Senate or of the Legislative Assembly, shall participate.

In order to ensure its effectiveness and avoid the duplication of efforts, the Institute shall coordinate the development and offering of an academic course intended for any person who is elected in a general election, special election or by an alternate method of selection with the Office of the Comptroller, as established in Act 78-2011, as amended, known as the Puerto Rico Electoral Code for the Twenty-First Century. Also, it shall coordinate its participation with the Government Ethics Office to develop and offer an academic course intended for anyone nominated by the Governor to occupy a position that requires the confirmation of the Senate or of the Legislative Assembly.

For their part, the Association and the Federation of Mayors shall ensure the participation of the Institute in the course offering that Mayors must take two (2) times each year, pursuant to Article 3.001 of Act 81-1991, as amended.

Article 6.- The Institute shall also have the following general powers and duties:

- a. Adopt an official seal.
- b. Subsist for life and to sue and be sued as a juridical person.
- c. Approve regulations and norms to govern its internal operations and convene as often as necessary to perform its duties.
- d. Subscribe contracts and formalize any type of documents that are necessary or convenient in the exercise of their powers.
- e. Appoint the necessary personnel to perform the duties conferred by this chapter, subject to the provisions set forth in Act No. 5 of October 14, 1975, and to fix the corresponding remuneration.
- f. Adopt, promulgate, amend and revoke those rules, orders and regulations, as deemed necessary and appropriate for the exercise of its powers and the performance of its duties, pursuant to §§ 2101 et seq. of this title, known as the "Uniform Procedures Act of the Commonwealth of Puerto Rico".
- g. Order cease and desist on activities or acts in violation of any provision in this chapter or of its regulations, and order the performance of any act in compliance of its provisions.
- h. Demand or require from any government organism or private entity, the information or data that it deems necessary for statistical purposes, therefore these are obligated to submit the data and statistical information that the Institute requests. Within ten (10) calendar days from the date the Institute requests the information mentioned in this Act, all government and private entities shall provide the Institute the required



information.

- i. Issue information procurement orders to government organisms and private entities that fail to furnish the information required.

To those ends, the Institute shall prepare the necessary regulations, taking into account the need to issue such orders in those situations in which a government organism does not comply with its obligation to provide statistical information to another government organism, or does not provide information to the Institute, or when the Institute or the government organisms require statistical information or data from private entities and these refuse to furnish it.

The regulations shall have provisions related to the noncompliance of government organisms with the requirement orders, which shall entail the imposition of administrative fines up to a maximum of one thousand (1,000) dollars for each violation of the provisions of this chapter, its regulations and orders. These administrative fines shall not apply to any official of the Legislative Branch nor of the Judiciary Branch.

Likewise, the regulations shall have provisions related to the noncompliance by private entities with the requirement orders, which shall entail administrative fines of up to a maximum of one thousand (1,000) dollars for each violation to the provisions of this chapter, its regulations and orders.

- j. Resort to the forums of any corresponding local, federal or international jurisdiction to enforce the purposes of this chapter, as well as its rules, regulations, orders, resolutions and provisions; appear before any private entity or forum of any jurisdiction, local, federal or international, in any hearing, procedure or matter that affects or may affect the purposes of this chapter or the regulations adopted by the Institute.
- k. Conduct public hearings, issue subpoenas under penalty of contempt, which should be signed and notified personally or by certified return mail with receipt requested.
- l. Receive donations and fix and collect reasonable fees for the obtainment of information and the studies originated, analyzed or disclosed by the Institute and the amounts collected shall be covered into a "Puerto Rico Statistics Institute Special Fund," and may be used solely and exclusively to defray the operations expenses of the Institute.
- m. Render special reports to the Legislature and the Governor, and any person, or government or private entity which so requests, and render an annual report of the result of its undertakings during the previous year no later than September 1 of each year.
- n. Execute collaboration agreements with other government organisms, federal government organisms, and foreign and international organisms.
- o. Represent the Government of the Commonwealth of Puerto Rico before federal agencies, including the Census Bureau, Bureau of Economic Analysis, Bureau of Labor

Statistics, National Center for Health Statistics, National Center for Education Statistics, Energy Information Administration and the National Agricultural Statistics Service, among others.

- p. Carry out all the acts and operations necessary to comply with the purposes of this chapter.

Article 7.- The Institute shall be governed by a Board of Directors consisting of seven (7) members, which shall be constituted by six (6) persons who shall be of acknowledged personal and professional integrity, objectivity and competence in any field of statistics, economics and planning, and a government official, to be designated by the Governor with the advice and consent of the Senate.

The initial appointments of the members of the Board of Directors shall be three (3) for a term of two (2) years, two (2) for three (3) years, and the remaining members for five (5) years. The appointments of the subsequent terms shall be five (5) years. At the expiration of a member's appointment, the successor shall be appointed within a time period of sixty (60) days. The incumbent member shall be able to continue exercising functions until the successor takes office or until the incumbent member is reappointed. The appointments to fill vacancies shall be extended only for the remaining portion of the term to be filled. Five (5) members shall constitute quorum and the decisions shall be reached by majority vote.

The members, in the six (6) months immediately preceding their designations, shall not have been employees of any government organism, nor candidates to any elective office, whether in primaries, special elections or general elections. This shall not apply to professors of the University of Puerto Rico system, whom due to their knowledge and expertise in the area of statistics, may share their knowledge with this Board. The Governor may remove members of the Board of Directors from office for just cause after bringing charges and granting the opportunity to be heard. Board members shall discharge their office ad honorem and shall only have the right to receive the payment of a per diem of not more than seventy-five (75) dollars per day of attendance to meetings or when carrying out official duties pertaining to their office. In no case shall they receive an amount over six thousand (6,000) dollars in per diems per year. In the event the public official appointed by the Governor is a head of agency, said person shall not receive any per diem.

The Board shall adopt by majority vote the internal organization guidelines to be followed for the performance of its duties under this chapter in an effective and efficient manner, and shall meet not less than once per month.

Article 8.- The Board of Directors shall be the governing body that shall set forth the administrative policy of the Institute and shall have the following powers and duties:

- a. Approve the programming of the Statistics Fund created by this chapter.
- b. Ratify the collaboration agreements subscribed by the Director with government, federal government, foreign, and international organisms.

- c. Ratify the information procurement orders issued by the Institute.
- d. Solve in a final manner the disputes regarding statistical matters between government organisms with the prior written consent of both parties.
- e. Adjudicate the duly filed recourses of affected parties objecting an Information Procurement order issued by the Director.
- f. Advise the Director on any matters requested by same or that the Institute deems convenient.
- g. Approve the budget of the Institute.
- h. Approve the regulations.
- i. Approve the acquisition of equipment, materials and services whose value exceeds \$36,000.
- j. Approve the Annual Statistical Information Plan.
- k. Approve the Annual Report on Statistics Service before submitting it to the Governor, the Office of Management and Budget, and the Legislature of the Commonwealth of Puerto Rico.

Article 9.- Neither the members of the Board, nor its Executive Director shall have occupied any elective office during at least five (5) years prior to their designation.

Article 10.- The Board of Directors shall also be responsible for the designation of an Executive Director who shall be in charge of the administration, execution and overseeing compliance with the public policy set forth by the Board, and shall be an ex officio member of same. The Executive Director shall be appointed for a term of ten (10) years and shall only be removed by the Board of Directors for just cause, with prior bringing of charges and granted the opportunity to be heard.

Only persons who are, as with the members of the Board, of acknowledged personal and professional integrity, objectivity and competence in any field of statistics, economics and planning can be appointed as Executive Director.

Article 11.- The Executive Director shall take any action necessary or convenient for the exercise of the powers and duties of the office, pursuant to the purposes of this chapter, including the following:

- a. Set forth the internal organization of the Institute, manage and supervise the operations of same.
- b. Appoint the necessary personnel for the execution of the purposes of this chapter, as well as assign duties and fix remuneration for same.

- c. Prepare and manage the annual budget of the Institute and the appropriated funds.
- d. Identify and procure alternate sources for obtaining funds and other resources in other state agencies, municipal governments, the federal government, and the private sector, for the design and implementation of the Statistics Production Service of the Commonwealth of Puerto Rico.
- e. Acquire materials, supplies, equipment and the necessary goods for the operations of the Institute and to carry out the purposes of this chapter.
- f. Contract technical and professional services from natural or juridical persons as necessary to carry out the purposes of this chapter, subject to the applicable norms and regulations.
- g. Incorporate students or graduates from statistics or related sciences programs from local universities to collaborate ad honorem with the work and studies of the Office, the Service, the System and the Network.
- h. Represent or make recommendations to representatives of the Government of the Commonwealth of Puerto Rico in committee meetings, seminars, study centers, and in state, federal and international conferences and congresses on statistical matters in which the Government of Puerto Rico or its organisms participate as organizers, members, observers or in any other manner.
- i. Formalize collaboration agreements with government organisms, federal government organisms, as well as with International and foreign governments organisms.
- j. Receive donations and submit proposals for the obtainment of funds. The monies collected by such means shall be deposited in the operational expenses budget of the Institute.
- k. Render special reports to the Governor of the Commonwealth of Puerto Rico and to the Legislature when so requested.
- l. Delegate duties, powers and tasks, as well as powers conferred by this chapter as deemed prudent and convenient, upon the officials of the Institute, except for the power to approve regulations or to appoint or terminate personnel.
- m. Formulate and adopt the necessary regulations to govern the activities of the Institute.
- n. Perform any other duties requested by law or by the Governor of Puerto Rico, pursuant to its authority and jurisdiction.

Article 12.- All statistical programs or activities of the Commonwealth of Puerto Rico government organisms which are totally financed by federal funds and therefore subject to compliance with statistical guidelines and norms set forth by federal provisions or regulations shall be bound to submit a report indicating the diverse proposals, items and proposed uses of

such federal funds to the Office on or before February 1st of each year.

Article 13.- All government entities, as defined in this Act, have the obligation to regularly, and constantly send all statistical publications they produce to the Puerto Rico Institute of Statistics, with the purpose of incorporating it to the Inventory of Statistics of the Commonwealth of Puerto Rico, in order to be available for all the citizenry.

Providing that all government entities shall send the Institute all the information herein required within a term of thirty (30) calendar days from its publication. Noncompliance with the term herein established, shall entail in the imposition of administrative fines of up to a maximum of one thousand (1,000) dollars per violation. These administrative fines shall not apply to any official of the Legislative nor Judicial Branch.

If the government entity does not produce nor generate statistical products, it is under the obligation of informing it to the Institute of Statistics, according to the guidelines and regulations that the Institute issues regarding that matter.

Article 14. - All government entities, as defined in this Act, must ensure that all statistical products that are generated, are registered by the Statistics Inventory, for the Institute to keep an updated inventory. It is the Institute's duty to guide the government entities regarding the registration process in the Statistics Inventory, and the way they can verify if the publications they have submitted to the Institute have been registered in the Inventory.

Article 15. - All government entities, as defined in this Act, must comply with the regulations and orders issued by the Institute regarding the gathering, analysis and disclosure of statistical products that are prepared by the government, among others.

Article 16.- The Institute shall adopt specific and strict procedures and guidelines by means of regulation, to ensure the confidentiality of the information under its custody. During the auditing, evaluation, review or investigation processes authorized by this chapter, the Institute shall specifically highlight the status of the measures taken by the corresponding government organism to safeguard the confidentiality of the information under its custody.

No part of this chapter shall be construed in prejudice to any higher level of confidentiality protection conferred by any other law, regulation or agreement between a private entity and a government organism.

Any official or employee of the Institute who intentionally discloses or allows the unlawful disclosure or reproduction of confidential information shall be guilty of a felony that shall be punishable by the imposition of a fine of seven thousand (7,000) dollars or a fixed jail term of up to one (1) year, or both penalties, at the discretion of the court. If there are aggravating circumstances, the penalty may be increased up to a maximum of two (2) years or up to ten thousand (10,000) dollars. If there are extenuating circumstances, the penalty may be reduced to a minimum of six (6) months and one (1) day, or a fine of up to five thousand one (5,001) dollars. In addition, the official shall answer in civil action for the damages caused by the disclosure or allowing to disclose confidential information.

Any official or employee of the Institute who negligently discloses or allows the unlawful disclosure or reproduction of confidential information shall answer personally with his/her own money for any damage caused to the private entity or government organism that provided the information, pursuant to the confidentiality protection contained in this chapter. Neither the Institute nor any other government organism of the Commonwealth of Puerto Rico shall answer any civil action for a negligent disclosure of confidential information.

The penalties described in this section shall also apply to officials and employees of any government organism who disclose or allow the negligent disclosure or reproduction of confidential information.

Article 17.- The Institute may initiate the following actions of a civil nature:

- (1) Request that the Court of First Instance, Superior Part, issue an injunction to impede, suspend or stay any act or action of a government body which may be in violation of the provisions of this chapter.
- (2) Appear before the Court of First Instance, Superior Part, to request that all government bodies comply with its orders, requests for information, resolutions, and any other determinations, as such Agency is authorized by law and the regulations it may adopt.
- (3) Require government bodies to comply with the ministerial duties or obligations regarding statistical activities, development of statistical product or publication of statistical reports, as required by their organic laws, regulations or special laws, and in case of failure to comply, appear before the Court of First Instance, Superior Part, to request that the government bodies comply with its orders and requests for information, and any other determinations, to assure the Institute and every person access to the information, data or report, statistic or statistical product required by law or regulation.
- (4) Institute actions as pertinent to collect payment on civil sanctions imposed under the powers and duties set forth in Articles 3, 5, 6, and 8 of this title. In any case in which there is failure to comply with any final and binding administrative fine or sanction or with a final and binding civil sanction, the courts shall impose the prevailing legal interest rate over the amount due and the payment of attorney's fees in favor of the Commonwealth of Puerto Rico. Interest shall begin to accrue from the time the sanction becomes final and binding. The moneys collected on account of interest shall be covered into the Special Fund of the Institute, under the custody of the Department of the Treasury, created in § 985 of this title.
- (5) In order to exercise these powers and the authority to sue as established in Article 3 of this title, the Institute may be represented by its own attorneys in order to attain compliance with the provisions of this chapter.

Article 18.- The Statistics Coordination Committee is hereby created, which shall be the advisory, coordination and participation government organism of the Statistics Production Services. The statistics unit chiefs of said Committee and the work groups organized by the

Director of the Institute to comply with the objectives of this chapter shall be members of the government organisms.

The Director of the Institute shall hereby be empowered to convene the plenary Committee or any work group organized in compliance with any activity related to Statistics Production Services when deemed necessary.

Article 19.- The Committee shall have the following duties:

- a. Ensure the continuous flow of statistical data and information in compliance with this chapter.
- b. Clarify and solve problems pertaining to the flow and access to statistical data and information which may affect the work of government organisms.
- c. Maintain the government organisms up to date regarding matters pertaining to the Statistics Services.
- d. Solve technical problems pertaining to statistical information.
- e. Coordinate statistical information activities that involve more than one government organism.
- f. Propose solutions for administrative problems pertaining to the operations of the statistical units.
- g. Investigate the budgetary and training needs of the statistical units.
- h. Analyze the methodology problems of the statistical units.
- i. Evaluate the norms, methods, procedures, rules and regulations adopted by the Institute for Statistics Services.
- j. Study the Statistical Information Annual Plan and coordinate its preparation.
- k. Serve as forum of first instance for the clarification of disputes pertaining to the methods, procedures, data and disclosure of statistical information prior to submitting same to the consideration of the Institute.
- l. Advise the Director whenever requested by same to do so.

The plenary Committee shall hold at least one meeting every quarter, during the fiscal year. Attendance to the Advisory Committee meetings shall be obligatory and cannot be delegated.

Article 20.- The Special Fund for the Institute of Statistics of Puerto Rico is hereby created, under the custody of the Secretary of the Treasury of the Commonwealth of Puerto Rico, who shall be its administrator, pursuant to the norms set forth for the administration of similar

funds, and shall be used for the financing of projects for the improvement of statistical methodologies, processes or products of the government organisms. The monies collected for administrative fines for violations against any provision herein shall be deposited in this Fund.

The amount of two million (2,000,000) dollars is hereby appropriated as the initial budget for the Special Fund for the Institute of Statistics, to be charged against the State Treasury or other revenues. The Funds shall be distributed pursuant to the programming of projects contained in the Annual Plan, as approved by the Board of Directors.

Article 21.- The amount of three million (3,000,000) dollars is hereby appropriated as the initial budget for the operations of the Puerto Rico Institute of Statistics, to be charged against the State Treasury and other revenues. In subsequent years, the necessary funds to carry out the purposes set forth in this Act shall be appropriated through the Joint Resolution of the General Budget of Expenses of the Commonwealth of Puerto Rico in a specific item corresponding to the Puerto Rico Institute of Statistics.

Article 22.- This Act shall take effect immediately after its approval.