

## **CHAPTER S-19**

### **An Act respecting Statistics of Canada**

#### **SHORT TITLE**

##### **Short title**

1. This Act may be cited as the Statistics Act.  
1970-71-72, c. 15, s. 1.

#### **INTERPRETATION**

##### **Definitions**

2. In this Act,

##### **“Chief Statistician”**

“Chief Statistician” means the Chief Statistician of Canada appointed under subsection 4(1);

##### **“department” or “departments of government”**

“department” or “departments of government” means any department, board, bureau or other division of the Government of Canada or of the government of a province or any agency of either;

##### **“Minister”**

“Minister” means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

##### **“respondent”**

“respondent” means a person in respect of whom or in respect of whose activities any report or information is sought or provided pursuant to this Act.

1970-71-72, c. 15, s. 2.

## **STATISTICS CANADA**

### **Statistics bureau**

**3.** There shall continue to be a statistics bureau under the Minister, to be known as Statistics Canada, the duties of which are

(a) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and condition of the people;

(b) to collaborate with departments of government in the collection, compilation and publication of statistical information, including statistics derived from the activities of those departments;

(c) to take the census of population of Canada and the census of agriculture of Canada as provided in this Act;

(d) to promote the avoidance of duplication in the information collected by departments of government; and

(e) generally, to promote and develop integrated social and economic statistics pertaining to the whole of Canada and to each of the provinces thereof and to coordinate plans for the integration of those statistics.

1970-71-72, c. 15, s. 3.

### **Chief Statistician**

**4. (1)** The Governor in Council may appoint an officer called the Chief Statistician of Canada to be the deputy of the Minister for the purposes of this Act and to hold office during pleasure.

### **Duties**

**(2)** The Chief Statistician shall, under the direction of the Minister,

(a) advise on matters pertaining to statistical programs of the departments and agencies of the Government of Canada, and confer with those departments and agencies to that end; and

(b) supervise generally the administration of this Act and control the operations and staff of Statistics Canada.

### **Report to Minister**

(3) In each fiscal year the Chief Statistician shall make a report to the Minister with regard to the activities of Statistics Canada in the preceding fiscal year, and the report made hereunder shall be included in the Minister's annual report to Parliament as a separate part thereof.

1970-71-72, c. 15, s. 4.

### **Temporary employees**

5. (1) The Minister may employ, in the manner authorized by law, such commissioners, enumerators, agents or other persons as are necessary to collect for Statistics Canada such statistics and information as the Minister deems useful and in the public interest relating to such commercial, industrial, financial, social, economic and other activities as the Minister may determine, and the duties of the commissioners, enumerators, agents or other persons shall be those duties prescribed by the Minister.

### **Public servants**

(2) The Minister may, for such periods as the Minister may determine, use the services of any employee of the public service of Canada in the exercise or performance of any duty, power or function of Statistics Canada or an officer of Statistics Canada under this Act or any other Act, and any person whose services are so used shall, for the purposes of this Act, be deemed to be a person employed under this Act.

### **Contracted services**

(3) Any persons retained under contract to perform special services for the Minister pursuant to this Act and the employees and agents of those persons shall, for the purposes of this Act, be deemed to be persons employed under this Act while performing those services.

1970-71-72, c. 15, s. 5.

### **Oath of office**

**6. (1)** The Chief Statistician and every person employed or deemed to be employed pursuant to this Act shall, before entering on his duties, take and subscribe the following oath or solemn affirmation:

I, ....., do solemnly swear (or affirm) that I will faithfully and honestly fulfill my duties as an employee of Statistics Canada in conformity with the requirements of the Statistics Act, and of all rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment.

### **Attestation**

**(2)** The oath or solemn affirmation set out in subsection (1) shall be taken before such person, and returned and recorded in such manner, as the Minister may direct.

### **Incorporated contractors**

**(3)** Where a person retained under contract to perform special services for the Minister pursuant to this Act is a body corporate, the chief executive officer thereof and such other officers, employees and agents thereof as are used to perform the special services shall, before entering on any of the duties required under the contract, take and subscribe the following oath or solemn affirmation:

I, ....., do solemnly swear (or affirm) that I will faithfully and honestly fulfill my duties as an employee of (name body corporate) in respect of my employment in carrying out (identify here contract with Minister) in conformity with the requirements of the Statistics Act, and of all rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment as described herein.

### **Attestation**

(4) The oath or solemn affirmation set out in subsection (3) shall be taken before such person, and returned and recorded in such manner, as the Minister may direct.

1970-71-72, c. 15, s. 6; 1976-77, c. 28, s. 41

### **Rules and instructions**

7. The Minister may, by order, prescribe such rules, instructions, schedules and forms as the Minister deems requisite for conducting the work and business of Statistics Canada, the collecting, compiling and publishing of statistics and other information and the taking of any census authorized by this Act.

1970-71-72, c. 15, s. 7.

### **Voluntary surveys**

8. The Minister may, by order, authorize the obtaining, for a particular purpose, of information, other than information for a census of population or agriculture, on a voluntary basis, but where such information is requested section 31 does not apply in respect of a refusal or neglect to furnish the information.

1980-81-82-83, c. 47, s. 41.

## **STATISTICS**

### **No discrimination**

9. (1) Neither the Governor in Council nor the Minister shall, in the execution of the powers conferred by this Act, discriminate between individuals or companies to the prejudice of those individuals or companies.

### **Use of sampling methods**

(2) Notwithstanding anything in this Act, the Minister may authorize the use of sampling methods for the collection of statistics.

1970-71-72, c. 15, s. 8.

### **Arrangements with provincial governments**

10. (1) The Minister may enter into any arrangement with the government of a province providing for any matter necessary or

convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:

- (a) the execution by provincial officers of any power or duty conferred or imposed on any officer pursuant to this Act;
- (b) the collection by any provincial department or provincial officer of any statistical or other information required for the purpose of this Act; and
- (c) the supplying of statistical information by any provincial department or provincial officer to the Chief Statistician.

### **Provincial officers**

(2) All provincial officers executing any power or duty conferred or imposed on any officer pursuant to this Act, in pursuance of any arrangement entered into under this section, shall, for the purposes of the execution of that power or duty, be deemed to be employed under this Act.

1970-71-72, c. 15, s. 9.

### **Agreements with provincial governments**

**11. (1)** The Minister may, with the approval of the Governor in Council and subject to this section, enter into an agreement with the government of a province for the exchange with, or transmission to, a statistical agency of the province of

- (a) replies to any specific statistical inquiries;
- (b) replies to any specific classes of information collected under this Act; and
- (c) any tabulations and analyses based on replies referred to in paragraph (a) or (b).

### **Type of statistical agency**

(2) An agreement with a province for the purposes of this section shall apply only in respect of a statistical agency of the province

(a) that has statutory authority to collect the information that is intended to be exchanged or transmitted pursuant to the agreement from a respondent who is subject to statutory penalties for refusing or neglecting to furnish information to the agency or for falsifying information furnished by him to the agency;

(b) that is prohibited by law from disclosing any information of a kind that Statistics Canada, its officers and employees would be prohibited from disclosing under section 17, if the information were furnished to Statistics Canada; and

(c) whose officers and employees are subject to statutory penalties for the disclosing of any information of the kind described in paragraph (b), subject to exceptions authorized by law that are substantially the same as those provided under section 17.

### **Non-application of agreement**

(3) Except in respect of information described in subsection 17(2), no agreement entered into under this section applies to any reply made to or information collected by Statistics Canada or an agency of the government of a province before the date that the agreement was entered into or is to have effect, whichever is the later date.

### **Informing respondent**

(4) Where any information in respect of which an agreement under this section applies is collected by Statistics Canada from a respondent, Statistics Canada shall, when collecting information, advise the respondent of the names of any statistical agencies in respect of which the Minister has an agreement under this section and to which the information received from the respondent may be communicated under that agreement.

1970-71-72, c. 15, s. 10.

### **Sharing of information**

**12. (1)** The Minister may enter into an agreement with any department or municipal or other corporation for the sharing of information collected from a respondent by either Statistics Canada or the

department or corporation on behalf of both of them and for the subsequent tabulation or publication based on that information.

### **Agreement**

(2) An agreement under subsection (1) shall provide that

(a) the respondent be informed by notice that the information is being collected on behalf of Statistics Canada and the department or corporation, as the case may be; and

(b) where the respondent gives notice in writing to the Chief Statistician that the respondent objects to the sharing of the information by Statistics Canada, the information not be shared with the department or corporation unless the department or corporation is authorized by law to require the respondent to provide that information.

### **What information may be shared**

(3) Information shared pursuant to this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to Statistics Canada or the department or corporation.

R.S., 1985, c. S-19, s. 12; 1992, c. 1, s. 130.

### **Access to records**

**13.** A person having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction of that information, shall grant access thereto for those purposes to a person authorized by the Chief Statistician to obtain that information or aid in the completion or correction of that information.

1970-71-72, c. 15, s. 12.

### **Evidence of appointment**

**14.** Any letter purporting to be signed by the Minister, the Chief Statistician or any person who may be authorized by the Minister for such purpose, that gives notice of any appointment or removal of, or that sets forth any instructions to, any person employed in the execution of any duty under this Act is evidence of the appointment, removal or instructions, and that the letter was signed and addressed as it purports to be.

1970-71-72, c. 15, s. 13.

### **Presumption**

**15.** Any document or paper, written or printed, purporting to be a form authorized for use in the taking of a census or the collection of statistics or other information, or purporting to set forth any instructions relating thereto, that is produced by any person employed in the execution of any duty under this Act as being that form or as setting forth those instructions, shall be presumed

to have been supplied by the proper authority to the person so producing it, and is evidence of all instructions therein set forth.

1970-71-72, c. 15, s. 14.

### **Remuneration**

**16. (1)** The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables setting forth the rates of remuneration or allowances for commissioners, enumerators and other persons employed under this Act, which may be a fixed sum, a rate per diem or a scale of fees, together with allowances for expenses.

### **Condition of payment**

**(2)** Full remuneration or allowance shall not be paid to any person referred to in subsection (1) for any service performed in connection with this Act until the service required of the person has been faithfully and entirely performed.

1970-71-72, c. 15, s. 15.

## **SECRECY**

### **Prohibition against divulging information**

**17. (1)** Except for the purpose of communicating information in accordance with any conditions of an agreement made under section 11 or 12 and except for the purposes of a prosecution under this Act but subject to this section,

**(a)** no person, other than a person employed or deemed to be employed under this Act, and sworn under section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and

**(b)** no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from the disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.

#### **Exception to prohibition**

**(2)** The Chief Statistician may, by order, authorize the following information to be disclosed:

**(a)** information collected by persons, organizations or departments for their own purposes and communicated to Statistics Canada before or after May 1, 1971, but that information when communicated to Statistics Canada shall be subject to the same secrecy requirements to which it was subject when collected and may only be disclosed by Statistics Canada in the manner and to the extent agreed on by the collector thereof and the Chief Statistician;

**(b)** information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;

**(c)** information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;

**(d)** information available to the public under any statutory or other law;

(e) information relating to any hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate the particulars to any individual patient, inmate or other person in the care of any such institution;

(f) information in the form of an index or list of individual establishments, firms or businesses, showing any, some or all of the following in relation to them:

(i) their names and addresses,

(ii) the telephone numbers at which they may be reached in relation to statistical matters,

(iii) the official language in which they prefer to be addressed in relation to statistical matters,

(iv) the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, or

(v) whether they are within specific ranges of numbers of employees or persons engaged by them or constituting their work force; and

(g) information relating to any carrier or public utility.

### **Definitions**

(3) In this section,

**“carrier”**

“carrier” means any person or association of persons that owns, operates or manages an undertaking that carries or moves persons or commodities by any form of land, sea or air transport;

**“public utility”**

“public utility” means any person or association of persons that owns, operates or manages an undertaking

(a) for the supply of petroleum or petroleum products by pipeline,

(b) for the supply, transmission or distribution of gas, electricity, steam or water,

(c) for the collection and disposal of garbage or sewage or for the control of pollution,

(d) for the transmission, emission, reception or conveyance of information by any telecommunication system, or

(e) for the provision of postal services.

R.S., 1985, c. S-19, s. 17; 1992, c. 1, s. 131.

### **Information is privileged**

**18. (1)** Except for the purposes of a prosecution under this Act, any return made to Statistics Canada 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 whatever.

### **Idem**

(2) No person sworn under section 6 shall by an order of any court, tribunal or other body be required in any proceedings whatever to give oral testimony or to produce any return, document or record with respect to any information obtained in the course of administering this Act.

### **Application of section**

(3) This section applies in respect of any information that Statistics Canada is prohibited by this Act from disclosing or that may only be disclosed pursuant to an authorization under subsection 17(2).

1970-71-72, c. 15, s. 17.

## **POPULATION CENSUS AND AGRICULTURE CENSUS**

### **Population census**

**19. (1)** A census of population of Canada shall be taken by Statistics Canada in the month of June in the year 1971, and every fifth year thereafter in a month to be fixed by the Governor in Council.

### **Counts of electoral divisions**

**(2)** The census of population shall be taken in such a manner as to ensure that counts of the population are provided for each federal electoral district of Canada, as constituted at the time of each census of population.

### **Decennial census**

**(3)** A reference in any Act of Parliament, in any order, rule or regulation or in any contract or other document made thereunder to a decennial census of population shall, unless the context otherwise requires, be construed to refer to the census of population taken by Statistics Canada in the year 1971 or in any tenth year thereafter.

1970-71-72, c. 15, s. 18.

### **Agriculture census**

**20.** A census of agriculture of Canada shall be taken by Statistics Canada

**(a)** in the year 1971 and in every tenth year thereafter; and

**(b)** in the year 1976 and in every tenth year thereafter, unless the Governor in Council otherwise directs in respect of any such year.

1970-71-72, c. 15, s. 19.

### **Census questions**

**21. (1)** The Governor in Council shall, by order, prescribe the questions to be asked in any census taken by Statistics Canada under section 19 or 20.

### **Publication**

(2) Every order made under subsection (1) shall be published in the Canada Gazette not later than thirty days after it is made.

1970-71-72, c. 15, s. 20.

## **GENERAL STATISTICS**

### **General statistics**

**22.** Without limiting the duties of Statistics Canada under section 3 or affecting any of its powers or duties in respect of any specific statistics that may otherwise be authorized or required under this Act, the Chief Statistician shall, under the direction of the Minister, collect, compile, analyze, abstract and publish statistics in relation to all or any of the following matters in Canada:

- (a) population;
- (b) agriculture;
- (c) health and welfare;
- (d) law enforcement, the administration of justice and corrections;
- (e) government and business finance;
- (f) immigration and emigration;
- (g) education;
- (h) labour and employment;
- (i) commerce with other countries;
- (j) prices and the cost of living;
- (k) forestry, fishing and trapping;
- (l) mines, quarries and wells;
- (m) manufacturing;

(n) construction;

(o) transportation, storage and communication;

(p) electric power, gas and water utilities;

(q) wholesale and retail trade;

(r) finance, insurance and real estate;

(s) public administration;

(t) community, business and personal services; and

(u) any other matters prescribed by the Minister or by the Governor in Council.

1970-71-72, c. 15, s. 21; 1976-77, c. 54, s. 74.

### **Coding system for goods**

**22.1 (1)** The Chief Statistician shall establish a coding system for goods imported into and exported from Canada to enable the Chief Statistician to collect, compile, analyze, abstract and publish statistics in relation to those goods.

### **Publication in Canada Gazette**

(2) The Coding System shall be published in Part I of the Canada Gazette.

1988, c. 65, s. 146.

### **Forms for statistical data**

**23. (1)** In lieu of or in addition to using agents or employees for the collection of statistics under this Act, the Minister may prescribe that a form be sent to a person from whom information authorized to be obtained under this Act is sought.

### **Return of forms**

(2) Subject to section 8, a person to whom a form is sent pursuant to subsection (1) shall answer the inquiries thereon and return the form and

answers to Statistics Canada properly certified as accurate, not later than the time prescribed therefor by the Minister and indicated on the form or not later than such extended time as may be allowed in the discretion of the Minister.

1970-71-72, c. 15, s. 22; 1980-81-82-83, c. 47, s. 41.

### **Returns under Income Tax Act**

**24.** For the purposes of this Act and subject to section 17,

(a) the Chief Statistician or any person authorized by the Chief Statistician to do so may inspect and have access to any returns, certificates, statements, documents or other records obtained on behalf of the Minister of National Revenue for the purposes of the Income Tax Act or Part IX of the Excise Tax Act, and

(b) the Minister of National Revenue shall cause the returns, certificates, statements, documents, or other records to be made available to the Chief Statistician or person authorized by the Chief Statistician to inspect the records, in such manner and at such times as the Governor in Council may prescribe on the recommendation of the Minister and the Minister of National Revenue.

R.S., 1985, c. S-19, s. 24; 1990, c. 45, s. 54.

### **Return of exports and imports from Customs**

**25.** For the purposes of this Act and subject to section 17, the Minister of National Revenue shall cause to be sent to the Chief Statistician returns of imports and exports into and from Canada and details of the means of transportation used therefor, in such manner and at such times as the Governor in Council may prescribe on the recommendation of the Minister and the Minister of National Revenue.

1970-71-72, c. 15, s. 23; 1976-77, c. 28, s. 41.

## **CRIMINAL STATISTICS**

### **Courts to furnish criminal statistics**

**26.** The clerk of every court or tribunal administering criminal justice or, where there is no clerk, the judge or other functionary presiding over

the court or tribunal shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the criminal business transacted in the court or tribunal.

1970-71-72, c. 15, s. 24.

### **Wardens and sheriffs**

**27.** The warden of every penitentiary and reformatory and the sheriff of every county, district or other territorial division shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the prisoners committed to any penitentiary, reformatory or jail under his charge or within his jurisdiction.

1970-71-72, c. 15, s. 25.

### **Records**

**28.** Every person who is required to transmit any schedules mentioned in section 26 or 27 shall from day to day make and keep entries and records of the particulars to be comprised in those schedules.

1970-71-72, c. 15, s. 26.

### **Pardons**

**29.** The Solicitor General of Canada shall cause to be filled in and transmitted to the Chief Statistician, at such times and respecting such periods as the Minister may direct, such schedules as the Minister may prescribe relating to the cases in which the prerogative of mercy has been exercised.

1970-71-72, c. 15, s. 27.

## **OFFENCES AND PUNISHMENT**

### **Desertion or false declaration**

**30.** Every person who, after taking the oath set out in subsection 6(1),

(a) deserts from his duty, or wilfully makes any false declaration, statement or return in the performance of his duties,

(b) in the pretended performance of his duties, obtains or seeks to obtain information that the person is not duly authorized to obtain, or

(c) contravenes subsection 17(1)

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

1970-71-72, c. 15, s. 28.

### **False or unlawful information**

**31.** Every person who, without lawful excuse,

(a) refuses or neglects to answer, or wilfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or pertinent thereto that has been asked of him by any person employed or deemed to be employed under this Act, or

(b) refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form that the person has been required to fill in, and to return the same when and as required of him pursuant to this Act, or knowingly gives false or misleading information or practices any other deception thereunder

is, for every refusal or neglect, or false answer or deception, guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both.

1970-71-72, c. 15, s. 29.

### **Refusal to grant access to records**

**32.** Every person

(a) who, having the custody or charge of any documents or records that are maintained in any department or in any municipal office, corporation, business or organization, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or

correction of the information, refuses or neglects to grant access to the information to any person authorized for the purpose by the Chief Statistician, or

(b) who otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

1970-71-72, c. 15, s. 30.

### **Leaving notice at house**

**33. (1)** The leaving by an enumerator, agent or other person employed or deemed to be employed under this Act, or the delivery by the post office at any house of any schedule or form purporting to be issued pursuant to this Act, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupant of the house, or in his absence by some other member of the family, is, as against the occupant, a sufficient requirement so to fill in and sign the schedule or form notwithstanding that the occupant is not named in the notice, or personally served therewith.

### **Leaving notice at office**

(2) The leaving by an enumerator, agent or other person employed or deemed to be employed under this Act, at the office or other place of business of any person or the delivery by the post office to any person or his agent, of any schedule or form purporting to be issued pursuant to this Act, and having thereon a notice requiring that it be filled in and signed within a stated time is, as against the person, a sufficient requirement so to fill in and sign the schedule or form, and if so required in the notice, to mail the schedule or form within a stated time to Statistics Canada.

1970-71-72, c. 15, ss. 31, 32.

### **Disclosing secret information**

**34.** Every person who, after taking the oath set out in subsection 6(1),

(a) wilfully discloses or divulges directly or indirectly to any person not entitled under this Act to receive the same any information obtained by him in the course of his employment that might exert an influence on or affect the market value of any stocks, bonds or other security or any product or article, or

(b) uses any information described in paragraph (a) for the purpose of speculating in any stocks, bonds or other security or any product or article

is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both.

1970-71-72, c. 15, s. 33.

### **Personation of Statistics Canada employee**

**35.** Every person who

(a) personates an employee of Statistics Canada for the purpose of obtaining information from any person, or

(b) represents himself to be making an inquiry under the authority of this Act when the person is not an officer, employee or agent of Statistics Canada,

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

1970-71-72, c. 15, s. 34.

### **Application of fines**

**36.** All fines imposed pursuant to this Act belong to Her Majesty in right of Canada and shall be paid to the Receiver General.

1970-71-72, c. 15, s. 35.

### **Limitation period**

**37.** Any proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within but not later

than two years after the time when the subject-matter of the proceedings arose.

1970-71-72, c. 15, s. 36.

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