

LAWS OF SOUTHERN SUDAN

**THE SOUTHERN SUDAN CENTRE FOR
CENSUS, STATISTICS AND EVALUATION
ACT, 2011**

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In accordance with the provisions of Article 59 (2) (b) read together with Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, the Southern Sudan Legislative Assembly, with the assent of the President of the Government of Southern Sudan hereby enacts the following-

CHAPTER I PRELIMINARY PROVISIONS

1. Title and Commencement.

This Act may be cited as “The Southern Sudan Centre for Census, Statistics and Evaluation Act, 2011”, and shall come into force on the date of its signature by the President.

2. Repeal and Saving.

Any provisions of existing legislation in Southern Sudan, which are governed by this Act, are hereby repealed; *provided that*, all proceedings taken or orders and regulations made thereunder, except to the extent they are cancelled by or are otherwise inconsistent with the provisions of this Act, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of this Act.

3. Purpose.

The purpose of this Act is to provide for the establishment and governance of an independent Centre to operate as a public office authorised in the collection, compilation, analysis and publication of statistical information on economic, social, demographic, environmental, and general activities and conditions of the people as well as evaluating social impact of public policies, projects and programmes, and any issues related thereto.

4. Authority and Application.

- (1) This Act is drafted in accordance with the provisions of Article 200 of the Constitution, which grants the Government of Southern Sudan the authority to establish a Centre to engage in the types of activities provided for in this Act.
- (2) The provisions of this Act shall apply throughout Southern Sudan in all matters related to the functions and duties of the Centre for Census, Statistics and Evaluation as provided in this Act.

5. Interpretations.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively—

“**Advisory Committee**” means the body established under section 19 of this Act to advise the Centre on certain technical matters;

“**Assembly**” means the Southern Sudan Legislative Assembly;

“**Auditor-General**” means the head of the Southern Sudan Auditor General’s Chamber;

“**Authorised Officer**” means a person appointed as such under section 25 of this Act;

“**Board**” means the Centre’s Board of Directors;

“**Centre**” means the Southern Sudan Centre for Census, Statistics and Evaluation;

“**Civil Service Laws**” means the laws, regulations and policies on civil service as may be in effect from time to time in Southern Sudan;

“**Constitution**” means the Interim Constitution of Southern Sudan, 2005;

“**Deputy Director**” means the second highest authority of the Centre, who is also the Chief Administrator of the Centre;

“**Director**” means the Director of the Board who is also the Chief Executive of the Centre;

“**Government**” means the Government of Southern Sudan;

“**Government Institution**” means-

- (a) Government, or any Government Ministry, the Bank of Southern Sudan, or any department, institution or any undertaking thereof;
- (b) any State government, department, institution of the State or undertaking thereof;
- (c) any local government authority; or
- (d) any authority, board, Centre, corporation, committee or other body, whether paid or unpaid, which is vested with or is performing, whether permanently or temporarily, functions of public nature;

“**National Constitution**” means the Interim National Constitution, 2005;

“**Member**” means a Member of the Board, appointed in accordance with the provisions of this Act, and unless the context otherwise requires, shall include the Director and Deputy Director;

“**President**” means the President of the Government;

“**Respondent**” means any person who supplies or is required to supply statistical information under this Act;

“**Return**” means any book, document, form, card, tape, disc or storage media on which the information required is entered recorded or kept or is required to be entered recorded or kept for statistical purposes under this Act;

“**Sampling**” means a statistical procedure by which information relating to the whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or undertakings concerned in the field of inquiry;

“**Southern Sudan**” means the ten states upon which the previous regions of Upper Nile; Bahr el Ghazal and Equatoria have been decentralised;

“**SP**” means the legal tender of Sudan;

“**State**” refers to any of the ten states established by the Constitution;

“**Statistics**” means information in connection with, or incidental to, any census or survey or all or any of the matters related to economic, social, demographic,

environmental fields as spelled out in this Act;

“*Support Staff*” means the Support Staff employed by the Centre;

“*Survey*” includes a survey of undertakings or persons whereby information is collected from all persons in a field of inquiry or from a sample thereof, wholly or primarily for statistical purpose; and

“*Undertaking*” means any undertaking by way of trade or business whether or not the trade or business is carried out for profit, and includes Southern Sudan, State and local authorities, statutory bodies, and any other form of organisation or body of persons or any part thereof and includes a branch of an undertaking.

CHAPTER II

ESTABLISHMENT, FUNCTIONS AND PRINCIPLES

6. Establishment of the Centre.

- (1) “The Southern Sudan Centre for Census, Statistics and Evaluation” (hereinafter called “the Centre”) is hereby established as an autonomous Centre in Southern Sudan, to be responsible for the organisation of economic, social, demographic and environmental statistics with a view to coordinate and disseminate such statistical information.
- (2) The Centre shall operate as an integral part of the Government. It shall be independent and impartial, and shall exercise its powers and perform its functions and duties without fear or favour.
- (3) The Centre shall be a body corporate and shall have the right to—
 - (a) acquire, hold and dispose of movable and immovable property;
 - (b) sue and be sued; and
 - (c) do all acts and things a body corporate may lawfully do.
- (4) The Centre shall be accountable to the public through the Assembly and the President.
- (5) The Centre shall have its head office in Juba, the Capital of Southern Sudan, and may establish branch offices, as it deems necessary, to perform its functions and duties pursuant to the provisions of the National Constitution, the Constitution and this Act.

7. Functions and Duties of the Centre.

- (1) The functions and duties of the Centre shall be to—
 - (a) carry out any census and relevant surveys in Southern Sudan;
 - (b) promote and develop integrated social and economic statistics pertaining to Southern Sudan and to each of the States thereof and to co-ordinate plans for the integration of those statistics and keep these plans under continuous review;
 - (c) establish statistical standards and their use by all producers of statistics so as to facilitate integration and comparison of statistics produced in Southern Sudan, nationally and internationally;

- (d) co-ordinate statistical and data collection activities in Southern Sudan so as to avoid duplication of efforts in the production of statistics, ensuring optimal utilisation of available resources, and reducing the burden on respondents in providing data;
 - (e) collect, compile, analyse and disseminate statistics and related information on economic, social, demographic and environmental activities;
 - (f) collaborate with the Government Institutions and public service entities in the collection, compilation and publication of statistical information, including statistics derived from the activities of those institutions and entities;
 - (g) maintain an inventory of available and relevant statistics and information in Southern Sudan;
 - (h) assist users of statistical information in obtaining international statistics and relevant information;
 - (i) provide statistical, monitoring and evaluation services and professional assistance to official bodies, civil society, researchers and international institutions and the public in general;
 - (j) provide a contact point for international organisations and foreign institutions and researchers in need of statistics and information on Southern Sudan; and
 - (k) collaborate with the Central Bureau of Statistics in the conduct of the National Population Census in Southern Sudan.
- (2) The Centre may engage in such other functions and exercise such other powers as conferred upon it by or under the Constitution, the President, the provisions of this Act, and any other law.

8. Guiding Principles and Values.

The Centre shall observe the following guiding principles and values when exercising its functions and duties—

- (a) the Centre shall be committed to compile and avail statistical data about the economic, demographic, social and environmental situation to the local authorities and the public on an impartial basis to honour citizens' entitlements to public information;
- (b) in order to retain trust in the services and statistical data, the Centre shall base its decisions strictly on professional considerations, scientific principles, professional ethics, and the methods and procedures for collection, processing, storage and dissemination of statistical data;
- (c) the Centre shall present statistical information according to scientific standards on the sources, methods and procedures of the statistics so as to facilitate a correct interpretation of the data;
- (d) the Centre shall be entitled to react to erroneous interpretations and misuse of statistical data;
- (e) the Centre shall choose the right sources of statistical data drawn from various sources such as surveys or administrative records on the basis of quality, timeliness, costs and the burden on respondents;
- (f) individual data collected by the Centre for statistical compilation shall

- (g) be strictly confidential and used exclusively for statistical purposes;
- (g) the laws, regulations and measures under which the statistical systems of the Centre operate shall be public;
- (h) the Centre shall co-ordinate and share its activities and experiences with the National Central Bureau of Statistics and other countries in order to achieve consistency and efficiency in the statistical systems;
- (i) the Centre shall adhere to the use of international statistical concepts, classifications and methods so as to promote consistency and efficiency of statistical systems; and
- (j) the Centre shall promote bilateral and multilateral co-operation in statistics for the improvement of its statistical systems.

CHAPTER III

THE BOARD AND GOVERNANCE OF THE CENTRE

9. The Board and Functions.

- (1) The legal authority of the Centre shall vest in its Board of Directors (hereinafter called the “Board”), which shall be the highest administrative and executive authority of the Centre.
- (2) Decisions of the Board shall be made in a transparent manner, independent of political, industrial and other influences.
- (3) The functions and duties of the Board shall be to—
 - (a) set policies, objectives and guidelines for the Centre;
 - (b) set priorities and annual performance targets for the Centre;
 - (c) review and evaluate the performance of the Centre;
 - (d) assess and approve the annual reports and accounts of the Centre;
 - (e) oversee the process of realising the vision and strategic goals of the Centre;
 - (f) mobilise resources for the activities of the Centre as set out in this Act;
 - (g) protect the independence and autonomy of the Centre;
 - (h) coordinate the statistical systems in Southern Sudan;
 - (i) protect fundamental values and principles of official statistics;
 - (j) consider the recommendations and advice of the Advisory Committee; and
 - (k) approve the annual budget of the Centre for submission to the Assembly in the Government Annual Budget.

10. Composition of the Board.

- (1) The Board shall be comprised of the Director, Deputy Director and seven additional Members, who shall be appointed by the President subject to the approval of the Assembly by a simple majority vote.
- (2) In the composition of the Board and the Centre at least twenty-five percent of the aggregate membership shall be women.

11. Eligibility and Appointment.

- (1) The Director, Deputy Director and the Members shall be selected from persons of high moral reputation and integrity, and shall possess the necessary qualifications, expertise and experience in matters related to statistics and economic planning having regard to the provisions of section 10(2) above.
- (2) Without prejudice to the generality of subsection (1), above, a person shall be eligible for appointment to serve as the Director, Deputy Director or a Member if he or she meets the following additional requirements—
 - (a) a Sudanese citizen;
 - (b) be of sound mind and high character;
 - (c) be at least thirty years of age;
 - (d) not employed in the civil service or any other branch of Government;
 - (e) not a holder of an official office, or an employee of a political party;
 - (f) not a holder of an elected position at any level of government;
 - (g) possesses the skills and knowledge relevant to the work of the Centre or qualifications deemed relevant to the position;
 - (h) not an undischarged bankrupt or insolvent; and
 - (i) not been convicted of an offence involving dishonesty or moral turpitude.
- (3) Any person appointed to serve as the Director, Deputy Director or a Member while in another service shall be given a reasonable opportunity to take any necessary steps to meet the eligibility requirements of the provisions of this section.

12. Declaration of Assets.

The Director, Deputy Director, Members, and any senior public service officials employed by the Centre shall, upon assumption of their offices, make confidential declaration of their assets and liabilities including those of their spouses and children in accordance with the applicable law.

13. Tenure, Resignation and Removal.

- (1) The tenure of office of the Director and Deputy Director shall be five years, and the tenure of office of a Member shall be four years, subject to renewal for one additional term.
- (2) A Member may resign by a letter addressed to the President through the Director. In case of the Director, he or she shall submit his or her letter of resignation directly to the President.
- (3) The President may remove the Director, Deputy Director or a Member from the Centre or upon a resolution passed by a two-thirds majority vote of the Assembly, after a hearing. A hearing under this section shall be held in accordance with the Assembly's Conduct of Business Regulations; provided that the concerned Member shall be given an opportunity to respond to the allegations.

- (4) Reasons for removal under subsection (3) above shall include—
 - (a) ineligibility for appointment under section 11 of this Act;
 - (b) inability to perform the functions of his or her office due to mental or physical infirmity;
 - (c) gross misconduct;
 - (d) incompetence and inefficiency;
 - (e) absence without permission or sufficient cause from three consecutive meetings of the Board;
 - (f) conviction of an offence involving dishonesty, fraud or moral turpitude; or
 - (g) death.

- (5) Where the Director, Deputy Director or a Member is removed from office, resigns or dies, he or she shall be duly replaced under the same conditions, and in the same manner, as he or she was appointed under section 11 of this Act.

CHAPTER IV

BOARD PROCEDURES, COMMITTEES AND DIRECTORATES

14. General Policies.

The Board shall lay down the general policies of operations, with standards of conduct for its Members and Support Staff. Its policies of operations and standards of conduct shall be public.

15. Proceedings of the Board.

- (1) The Board shall meet as often as it deems necessary and shall, in any case, meet for the discharge of its functions and duties at least four times a year.
- (2) The Director may, at anytime, convene an extraordinary meeting of the Board and shall also call a meeting within ten calendar days upon a request for an extraordinary meeting by at least two Members.
- (3) The Director, and in his or her absence the Deputy Director, shall convene and preside at all the meetings of the Board, and in the absence of both, the Members present at the meeting shall elect one of their Members to preside at that meeting.
- (4) Notice of a Board meeting shall be served to each Member in writing, by post or e-mail. When necessary, notice may also be made by phone, provided that, the verbal notices are followed by a notice in writing.
- (5) The quorum for meetings of the Board shall be a simple majority (half of all the members plus one).
- (6) For determination of quorum, a member withdrawing from a meeting under section 16(3) below, shall be considered as present.

- (7) The decisions of the Board shall be made by consensus and in lieu of that, by simple majority of the members present and voting and in case of a tie, the chair shall have a casting vote.
- (8) The Board may, whenever necessary, invite any person to provide specific expertise during its meeting, but he or she shall have no right to vote on any matter considered at the meeting.
- (9) The meetings of the Centre shall not be open to the public unless decided otherwise by the Director on ad hoc basis.

16. Disclosure of Interests.

- (1) A Member who has a direct or indirect interest in a contract made or proposed to be made by the Board or in any other matter to be considered by the Board, shall disclose the nature or extent of his or her interest at the meeting of the Board, before the matter is discussed or considered.
- (2) A disclosure made under subsection (1), above, shall be recorded in the minutes of the meeting.
- (3) A Member who makes a disclosure under subsection (1), above, shall not participate in the deliberations or take part in any decision of the Board with respect to that matter.

17. Validity of Proceedings.

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or disqualification of a Member.

18. Board Committees and Directorates.

- (1) The Board may set up committees or directorates to facilitate the operations of the Centre, and to advise the Board on matters as it may determine.
- (2) The Board may also dissolve any committee or directorate which has fulfilled its function.
- (3) Any committee or directorate set up under subsection (1), above, shall be headed by a Member and shall comprise of such persons as the Board may determine.
- (4) The terms and conditions of service of members of any committee or directorate set up under this section shall be subject to the Civil Service Laws and regulations.
- (5) The Board may delegate any of its functions to a committee or directorate set up by it subject to limitations as it may deem appropriate.
- (6) Subject to any directives by the Board, a committee or directorate set up under

this section may regulate its own proceedings.

CHAPTER V

ADVISORY COMMITTEE

19. Establishment of an Advisory Committee.

- (1) There shall be established an Advisory Committee, which shall be headed by a Chief Advisor, whose members shall consist of professionals, and representatives of academia, research institutions and technical groups.
- (2) The Advisory Committee shall comprise of the Chief Advisor and twelve members, at least three of whom shall be women.
- (3) Members of the Advisory Committee shall be appointed for renewable terms of three years by the President, on the recommendation of the Board.
- (4) The decisions of the Advisory Committee shall be by consensus, in lieu of that by simple majority and in case of a tie the Chair shall have a casting vote.
- (5) The Advisory Committee shall meet at least twice a year or more frequently as the Director may determine in consultation with the Chief Advisor.
- (6) The Director shall be an ex-officio member of the Advisory Committee and its Secretary.

20. Functions and Duties of the Advisory Committee.

The functions and duties of the Advisory Committee shall be to—

- (a) advise the Centre on measures, methodologies, concepts and approaches of statistical systems and statistical work plans as well as the performance of its functions under this Act;
- (b) act as a liaison between the professionals, academia and the professional staff of the Centre;
- (c) evaluate the quality of statistical information and services provided by the Centre;
- (d) assist the Centre in the implementation of the Centre's programmes and projects as determined in consultation with the Board; and
- (e) advise the Director on any other statistical issues.

CHAPTER VI

MANAGEMENT AND STAFF

21. The Director.

- (1) Management of the Centre shall be the direct responsibility and duty of the Director as its Chief Executive. The Director shall be assisted in his or her

day-to-day management functions and duties by the Deputy Director.

- (2) Without prejudice to the generality of subsection (1), above, the Director shall have administrative, financial and technical powers required for the performance of the work of the Centre, including, but not limited to—
 - (a) representing the Centre in official functions and occasions, in Southern Sudan, nationally, regionally and internationally;
 - (b) initiating policies and framework documents of the Centre;
 - (c) approving project and programme activities proposed by the committees or directorates;
 - (d) overseeing the use of the funds of the Centre;
 - (e) providing periodic reports to the President and the Assembly;
 - (f) appointing, within budgetary limitations, the officers and Support Staff of the Centre in accordance with Civil Service Laws and regulations;
 - (g) initiating internal policies and procedures including the job-descriptions of the Support Staff and the organisational chart referred to in section 26 below of this Act;
 - (h) monitoring and evaluating the performance of the Centre;
 - (i) receiving advice and recommendations rendered by the Advisory Committee; and
 - (j) performing any other functions and duties as may be prescribed by any other law.

22. The Deputy Director.

- (1) The Deputy Director shall be the second highest authority in the Centre who shall assist the Director in overseeing the day-to-day operations of the Centre.
- (2) Without prejudice to the generality of subsection (1), above, the Deputy Director shall perform any other functions and duties that may be assigned to him or her by the Director, including, but not limited to—
 - (a) serving as the Chief Administrator responsible for the day-to-day implementation of the decisions of the Board and supervision of the staff;
 - (b) advising on matters pertaining to statistical programmes of Government Institutions and the public service;
 - (c) deciding on the manner in which data for statistical purposes are collected, how they are compiled and when and how statistics are published;
 - (d) supervising generally the implementation of the provisions of this Act;
 - (e) submitting, three months before the beginning of each new financial year, to the Board a work plan for the next financial year, setting out all major statistical collections and planned publications, as well as estimates of expenditures and revenue related to the work plan for the next financial year;
 - (f) publishing at the beginning of each new financial year a calendar of the most important releases of new statistics in the financial year;
 - (g) presenting a report within three months after each financial year to the Board with regard to the activities of the Centre in the preceding financial year; and

- (h) performing any other functions and duties that may be assigned to him or her by the Director.

23. Remuneration of the Director, Deputy Director, Members and Advisory Committee Members.

- (1) The Director shall have the status of a state minister but shall, for the purposes of protocol, be senior to the state minister, and shall be entitled to all the rights, privileges and benefits accorded to that position.
- (2) The Deputy Director shall have the status of the Secretary General of Government, and shall be entitled to all the rights, privileges and benefits accorded to that position.
- (3) The other Members of the Centre shall have the status of underSecretary and shall be entitled to all the rights, privileges and benefits accorded to that position.
- (4) The Chief Advisor and Members of the Advisory Committee shall be paid remuneration, transport, accommodation and other expenses whenever they sit or meet.

24. Restriction on Outside Employment.

The Director, Deputy Director, Members of the Board and Support Staff shall not practice any private profession, transact commercial businesses, or receive remuneration or accept employment of any kind, from any other source than the Centre.

25. Authorised Officers.

The Board may, in writing, co-opt on temporary basis, additional persons to the Support Staff of the Centre as authorised officers for the purpose of collecting specific statistical information under this Act on such terms and conditions as it may determine, subject to the provisions of the Civil Service Laws and regulations.

26. Organisational Chart and Support Staff.

- (1) The Director shall engage, within budgetary limits, such other senior officers and Support Staff with the consent of the Board on such terms as he or she may consider necessary or desirable for the efficient and effective performance of the functions and duties of the Centre.
- (2) The Director shall on annual basis, prepare a detailed organisational chart reflecting the Centre's staffing requirements for the next financial year, subject to the approval of the Board.
- (3) The organisational chart shall be developed in consultation with the Ministry of Finance and Economic Planning and the Ministry of Public Service and

Human Resource Development, and shall take into consideration the needs of the Centre and the financial limitations of the Centre's funding.

- (4) All aspects of employment of the Support Staff of the Centre, including but not limited to recruitment, employment, payment, promotion, and termination, shall be governed by the provisions of the Civil Service Laws and regulations.

27. Oath.

- (1) The Director, Deputy Director and any Member of the Centre shall, before assuming his or her duty, take the following oath or affirmation before the President:

"I....., do hereby swear by the Almighty God/solemnly affirm that as the Director/Deputy Director/Member of the Southern Sudan Centre for Census, Statistics and Evaluation, I shall be faithful, and shall diligently and honestly discharge my function and duties and shall strive to exercise the functions and duties vested upon me by the Southern Sudan Centre for Census, Statistics and Evaluation Act, with integrity and dignity in the best interest of the people of Southern Sudan; and that I shall respect and abide by all the rules, regulations and instructions thereunder; and that I shall not without due authority disclose or make known any information, matter or thing that comes to my knowledge by reason of my employment in the Centre so help me God/God is my witness".

- (2) In the case of a person employed as an enumerator in any census or survey it shall be sufficient if he or she delivers or transmits to an authorised officer a written declaration in the manner and format set forth in subsection (1), above.

28. Exemption from Liability.

No Member of the Board or the Advisory Committee, nor any officer or Support Staff of the Centre, shall be subject to liability for any act or omission committed by him or her in the exercise or performance of his or her functions and duties with the Centre; *provided that*, such acts or omissions were committed in good faith.

CHAPTER VII

COLLECTION AND DISSEMINATION of Statistical Information

29. Decennial Population Census.

- (1) The President may, by an order direct the Centre to conduct a census in the whole or part of Southern Sudan as the order may specify.
- (2) Subject to the provisions of subsection (3), below, the Act may specify—
 - (a) the date on or between which such census is to take place; and
 - (b) the information and data to be obtained in that census.

- (3) The Centre shall not conduct the census until the necessary regulations are made by the President prescribing—
 - (a) particulars and information to be furnished on the making of the census;
 - (b) manner and form in which the census is to be conducted;
 - (c) times and places at which the census is to be conducted; and
 - (d) persons by whom the particulars and information shall be provided and furnished.

30. Collection of Other Statistics.

- (1) The Centre may, collect statistics related to all or any of the matters specified in the Schedule attached to this Act.
- (2) The Centre shall establish statistical standards and ensure their use by all producers of official statistics as necessary to facilitate the integration and comparison of the statistics produced in Southern Sudan, nationally, regionally and internationally.
- (3) The Centre may cause the statistics collected and any statistical information made available and analysed and, subject to the provisions of this Act, cause such statistics or abstracts to be published.

31. Joint Collections.

- (1) The Centre may enter into agreement with any Government, institution or public service entity, including state or county authorities, statutory bodies and corporations (collectively hereinafter “Entities”), and agree to jointly collect any information that such Entities are authorized to collect, and to further agree that the information collected shall be shared by the parties to the agreement.
- (2) The sharing of information under subsection (1) above, is subject to the following requirements and limitations—
 - (a) the respondent receives notice that the information being collected shall be shared by the Centre and Entities to the agreement;
 - (b) where the respondent gives notice in writing to the Director that the respondent objects to the sharing of the information by the Centre, the information shall not be shared with the Entities, unless they are otherwise authorised by law to collect the information; and
 - (c) any officer or Support Staff of an Entity shall, if engaged in the joint collection of information or the processing of the information jointly collected, make a declaration of secrecy as provided under section 27 of this Act, despite any other declaration of secrecy made under any other law.

32. Access to Public and Other Records.

A person who has custody or who is in charge of any documents or records that are maintained in any Government Institution or civil service entity, from which

information sought pursuant to this Act can be obtained or that would assist in the completion or correction of that information, shall grant access thereto for those purposes to a person authorised by the Director or any other person authorised by the Director to obtain that information or assist in the completion or correction of that information.

33. Sampling.

Statistics relating to all or any of the matters set out in the Schedule attached to this Act may be collected by sampling, instead of a full enumeration, where the use of that method is deemed appropriate.

34. Forms and Returns.

- (1) Instead of or in addition to using agents or Support Staff for the collection of statistics under this Act, the Director or any other person whom he or she may authorise by the Director may prescribe that a form be sent to a person from whom information authorised to be obtained under this Act is sought. A person to whom such a form is sent shall answer the inquiries therein and return the form and answers to the Centre properly certified as accurate, not later than the time prescribed therefrom and indicated in the form or not later than such extended time as may be allowed by the Director.
- (2) It shall not be a defence for a person who fails to fill in a return or to answer any inquiry that only a portion or a particular group of persons is required to fill in the return or to answer the inquiry.

35. Prohibition of Disclosure of Information.

- (1) No individual return, answer to any question, report, abstract, or other document, or and part thereof, which contains particulars which could enable the identification of any person, business or undertaking, shall be published, admitted in evidence or shown to any person not employed in the execution of a duty under this Act, unless the respondent provides prior written consent.
- (2) In the event that a prior written consent under subsection (1), above, involves a business or undertaking, the person having the control, management or superintendence of such business or undertaking, may provide the consent.
- (3) The limitations of subsection (1), above, shall not apply-
 - (a) to prosecutorial procedures under this Act; or
 - (b) to situations where the person, business or undertaking has published the return, answer, report, abstract or document and opened up a computerised data set for general access.
- (4) Nothing in subsection (1), above, shall prevent or restrict publication of any such report, abstract or other document without such prior consent where particulars in such report, abstract or other document would enable identification merely by reason that there is only one undertaking or business within its particular area of activities; *provided that*, the particulars do not

reveal costs of production, the capital costs, or profit arising in any such undertaking or business.

36. Exemption on Disclosure.

Notwithstanding the provisions of section 35 above, the Centre may disclose any—

- (a) information available to the public under any enactment or public document;
- (b) information in the form of an index or list of the names and addresses of individuals, undertakings or businesses together with the telephone numbers, the industrial classifications allotted to them, the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, and the number of persons employed;
- (c) details of external trade, movement of aircraft and cargo handled; and
- (d) information relating to local authority or any other statutory body.

37. Disclosure of Unidentified Information.

- (1) Subject to the provisions of subsections (2) and (3), below, the Centre may disclose information in the form of individual statistical record solely for *bona fide* research or statistical purposes *provided that*—
 - (a) all identifying information such as the name and address of the respondent has been removed; and
 - (b) the information is disclosed in a manner that is not likely to enable the identification of the particular person or undertaking or business to which it relates.
- (2) Every person to whom any statistical records are disclosed pursuant to subsection (1), above, shall—
 - (a) not attempt to identify any particular person or undertaking or business;
 - (b) use the information for research or statistical purposes only;
 - (c) not disclose the information to any other person or organisation;
 - (d) when required by the Director, return all documents made available to him or her to the Director; and
 - (e) comply with any directive given by the Director relating to such records.
- (3) Every person involved in the research or statistical project for which information is disclosed pursuant to subsection (1), above, shall make the declaration of secrecy as provided in section 27 of this Act, as well as sharing with the Centre the information outcome of the research and statistical project.

38. Security of Recorded Information.

Where the statistical information which the Centre collects under this Act from individual returns, worksheets, or any other confidential sources is to be copied or recorded by means of cards, tapes, discs, wires, films, or any other method, whether using encoded or plain language symbols for processing, storage, or reproduction of particulars, the Centre shall take such steps as are necessary to ensure the security and confidentiality of the statistical information.

39. Destruction of Individual Forms and Returns.

The Centre shall account for and destroy under strict supervision all individual census and survey forms and returns used for the purposes of this Act and containing the name and address of a person or undertaking or business, after the data have been processed and validated but not later than five years after the date of completion of any census or survey.

40. Power to Obtain Particulars.

- (1) Where any census or a survey is being taken or any other statistics are being collected in accordance with the provisions of this Act, an authorised officer may in the manner specified in subsection (2), below, require any person to supply him or her with such particulars as may be prescribed or such of those particulars as the Director may consider necessary or desirable in relation to the taking of such census or the collection of such statistics.
- (2) A person required to supply any particulars pursuant to subsection (1), above, shall, to the best of his or her knowledge, information and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such period as may be specified by the authorised officer.
- (3) An authorised officer may, at all reasonable times and upon production, if required, of his or her authorisation—
 - (a) enter and inspect any premises including any dwelling house in connection with the taking of a census or survey; or
 - (b) enter and inspect any premises where activity for profit or gain is carried on in connection with collection of other statistics.
- (4) In either case provided for in subsection (3), above, the authorised officer may make such inquiries as may be necessary for the taking of the census or the collection of the statistics as the case may be.

41. Relationship with Other Agencies.

- (1) The Director shall, in the performance of his or her functions, or promoting and facilitating development of any integrated and co-ordinated national statistical system or in the exercise of any other function under this Act, consult and co-operate with other agencies or organisations having functions and duties related to, or having aims and objectives similar to those of the Centre.
- (2) Subject to the provisions of subsection (1), above, the Centre shall—
 - (a) have the duty to control and co-ordinate all statistical activities in Southern Sudan with a view to have an integrated statistical system and avoid duplication of efforts in the production of statistics, reduce the burden on respondents of providing data and to ensure optimal utilisation of available resources;

- (b) be the contact point for all official bodies, national, regional, international organisations and the general public in need of statistical services and professional assistance;
 - (c) be the lead agency responsible for official statistics so that an institution or individual wishing to collect statistics for the purpose of publishing official statistics must necessarily employ standard concepts and definitions developed by the Centre;
 - (d) have operational independence in the course of conducting its functions and duties under this Act and shall be directly accountable to the public through the Assembly and the President for the official production of statistics in Southern Sudan; and
 - (e) have the responsibility of providing approval for the publication of all the official statistics; any person wishing to publish any official statistics shall be required to submit a draft of such statistical information to the Centre for approval.
- (3) In the performance of its functions and duties, the Centre may contact other local, Southern Sudan, national, regional or international organisations under the terms and conditions as may be agreed upon by the contracting parties.

CHAPTER VIII

FINANCE, AUDIT AND REPORTING

42. Operational Principle.

The Centre shall manage its finances in accordance with sound financial principles and best practices and shall in that respect ensure that its revenues are sufficient to meet its expenditures, including payment of operational cost.

43. Sources of Funding.

- (1) The Centre's main source of funding shall be through its annual budget, approved in accordance with the budget procedures established by the Government.
- (2) Each year, the Centre shall prepare and submit for approval a budget proposal, in accordance with the Government budget process, for the following financial year. Such budget proposal shall be subject to review, revision and approval by the Assembly.
- (3) Without prejudice to the provisions of subsection (1), above, the Centre may obtain additional funds from the following sources—
 - (a) grants, donations and bequests from local or foreign bodies;
 - (b) financial support from international donor agencies;
 - (c) monies received for goods and services provided under this Act; and
 - (d) any other source that may be approved by the President.

44. Borrowing Powers.

- (1) The Centre may obtain loans or other credit facilities from any person, organisation or institution for the purposes of meeting its obligations.
- (2) No loan or credit facility shall be obtained by the Centre pursuant to the provisions of subsection (1) above, without the prior approval of the Ministry of Finance and Economic Planning.
- (3) Loan and credit facilities shall be on terms and conditions which are commensurate with sound financial practices and any regulations or policies governing borrowing by Government entities.
- (4) The provisions of this section do not relieve the Centre or lender from obtaining any other approvals that may be required under any other applicable law.

45. Bank Accounts.

- (1) The Centre shall open and maintain bank accounts as may be necessary for the performance of its functions and duties.
- (2) The Director shall ensure that any money received by or on behalf of the Centre is safely kept and deposited in a bank account as soon as practicable.
- (3) The Director shall ensure that no money is withdrawn from, or paid out of, any of the bank accounts of the Centre without proper authorisation.

46. Surplus Funds.

Funds belonging to the Centre, not immediately required for any purpose provided for in this Act, may be invested in a manner which the Board may decide after consultation with the Ministry of Finance and Economic Planning, subject to any rules and regulations governing the reversion of surplus funds to the Southern Sudan Revenue Authority.

47. Accounts

- (1) The Director shall maintain proper books of accounts and records of all funds received and spent by the Centre during the financial year.
- (2) The Director shall prepare and submit a financial report to the Board, not later than three months from the end of the previous financial year. The report shall include—
 - (a) a financial statement of income and expenditure during the financial year;

- (b) a statement of assets and liabilities of the Centre for the financial year, prepared in accordance with generally accepted accounting principles, submitted to and audited by the Auditor-General; and
- (c) a Financial Audit Report.

48. Audit.

- (1) The Director shall ensure that, for each financial year the accounts of the Centre are audited by the Auditor-General or such other audit firm approved by the Auditor-General in writing and authorised by the Board.
- (2) The Board shall ensure that within four months from the end of the financial year, or such other period as the Government may require in writing, an audited statement of accounts, in accordance with the provisions of section 47 above, is submitted to the President and the Ministry of Finance and Economic Planning.
- (3) The Auditor-General shall have access to all the books of accounts, vouchers and other records, and shall be entitled to any information and explanation required in relation to those and any other records of the Centre.

49. Annual and Other Reports.

- (1) In addition to the Financial Audit Report, required by section 47 above, within four months after the end of each financial year, or such other period as designated by the Government in writing, the Centre shall also prepare an Annual Report of its activities during that financial year.
- (2) The Annual Report shall, inter alia, include the following information—
 - (a) a copy of the auditor's report;
 - (b) a statement of financial performance and of cash flows;
 - (c) the budget for the coming financial year;
 - (d) a description of the activities of the Centre during the previous year;
 - (e) an analysis of the extent to which it has met its objectives of the previous year;
 - (f) an evaluation as to the extent to which the advice and directives of the Centre have been complied with;
 - (g) its objectives for the coming year; and
 - (h) any recommendations on the matters governed by this Act.
- (3) The Centre shall publish and disseminate widely the Annual Report, along with its audited accounts. In the event the Centre fails to distribute the Annual Report, it shall be distributed by the Ministry of Finance and Economic Planning.
- (4) The Board shall submit to the President and the Assembly such other reports on its activities or any other matter that may from time to time be required.

CHAPTER IX

OFFENSES AND PENALTIES

50. Offenses and Penalties.

- (1) Any Member or Support Staff of the Centre, who—
 - (a) by virtue of his or her employment comes into possession of any information which might influence or affect the market value of any share or other security, interest, product or article and who, before such information is made public, directly or indirectly uses such information for personal gain;
 - (b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of his or her employment any information acquired by him or her in the course of such employment;
 - (c) deserts his or her duty;
 - (d) wilfully makes any declaration, statement or return in the performance of his or her duties, or otherwise compiles for issue, any false statistics or information;
 - (e) in the performance of his duties, obtains or seeks to obtain information that he is not duly authorised to obtain; or
 - (f) asks, receives or takes, in respect of or in connection with his or her employment under this Act from any person, other than a public officer duly authorised thereto, any payment or reward,commits an offence and shall upon conviction, be sentenced to imprisonment for a term not exceeding one year or with a fine not exceeding SP1,200 or with both.

- (2) Any person who, being in possession of any information which to his or her knowledge has been disclosed in contravention of the provisions of this Act, publishes or communicates to any other person such information, commits an offence and shall upon conviction, be sentenced to imprisonment for a term not exceeding one and a half years or with a fine not exceeding One Thousand Eight Hundred Sudanese Pounds or both.

- (3) Any person who—
 - (a) hinders or obstructs any authorised officer in the lawful performance of any duties or in the lawful exercise of any powers conferred upon him or her under this Act;
 - (b) refuses or wilfully neglects—
 - (i) to complete and supply within the time specified the particulars required in any return, form or other document left with or sent to him or her; or
 - (ii) to answer any question or inquiries put to or made of him or her under this Act,
 - (c) knowingly makes in any return, form or other document completed by him or her under this Act, or in an answer to any question or inquiry

- put to or made of him or her under this Act, any statement which is untrue in any material particular;
- (d) without lawful authority, destroys, defaces or mutilates any return, form or other document containing particulars collected under this Act;
 - (e) not being an authorised officer, assumes the quality of, or represents himself to be an authorised officer:
 - (i) with the intent to obtain admission on any premises which he is not entitled to enter; or
 - (ii) with the intent to do anything which he is not entitled to do,
 - (f) wilfully refuses without reasonable cause to avail records and documents in accordance with the provisions of this Act;
 - (g) contravenes any provision of this Act; or
 - (h) impersonates an officer or member of the Support Staff of the Centre for the purpose of obtaining information from any person,
- commits an offence and shall upon conviction, be sentenced to imprisonment for a term not exceeding six months or with a fine not exceeding Six Hundred SP or both.

CHAPTER X

MISCELLANEOUS PROVISIONS

51. Official Seal and Logo.

- (1) The official seal and logo of the Centre shall be in a form to be decided and determined by the Board.
- (2) The official seal when affixed to any document shall be authenticated by the signature of the Director or such other person whom he or she may authorise.

52. Confidentiality.

To protect the confidentiality of its activities, the Deputy Director, Members, officers and Support Staff of the Centre shall not divulge or publish any information about the Centre without a prior written authorisation by the Director.

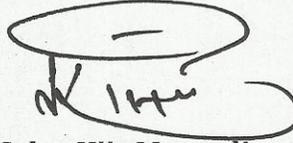
53. Regulations.

The Centre shall make such rules and regulations as may be necessary for the effective and efficient implementation of the provisions of this Act.

Assent of the President of the Government of Southern Sudan

In accordance with the provision of Article 85 (1) of the Interim Constitution of Southern Sudan, 2005, I, Gen. Salva Kiir Mayardit, President of the Government of Southern Sudan, hereby Assent to the Southern Sudan Centre for Census, Statistics and Evaluation Act, 2011 and sign it into law.

Signed under my hands in Juba, this ^{7th}-----day of the month of ^{July}-----in
the year 2011.

A handwritten signature in black ink, appearing to read 'Salva Kiir', enclosed within a hand-drawn oval shape.

**Gen. Salva Kiir Mayardit
President
Government of Southern Sudan
GoSS/ Juba.**