

NATIONAL ADMINISTRATIVE DEPARTMENT OF STATISTICS

DECREE No. 1743

NOV. 1, 2016

**Whereby Article 160 of Law 1753 of 2015 is regulated and Title 3 is added to part 2 of book 2 of Decree 1170 of 2015 Single Decree of the Administrative Sector of Statistical Information**

**THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT OF THE REPUBLIC OF COLOMBIA, DELEGATEE OF PRESIDENTIAL FUNCTIONS, BY MEANS OF DECREE No. 1720 OF 2016**

In use of his constitutional powers, and in particular those provided for in sub-section 11 of Article 189 of the Political Constitution and Article 43 of Law 489 of 1998, and

**CONSIDERING:**

That by means of Law 1753 of June 9, 2015, the Congress of the Republic issued the National Development Plan 2014 - 2018 "Todos por un nuevo país"<sup>1</sup>.

That Article 43 of Law 489 of 1998 establishes that the National Government may organize national administrative systems in order to coordinate state and private activities, and that for this purpose it shall provide for the bodies or entities responsible to develop the management, programming, execution and evaluation activities.

That Article 160 of the National Development Plan created the National Statistical System (NSS) and designated the National Administrative Department of Statistics (DANE) as the governing body and therefore coordinator and regulator of the NSS; Likewise, in order to promote and facilitate the coordination and exchange of information for statistical purposes, it created the National Advisory Council of Statistics as a body of an advisory nature.

That such article establishes that it is the responsibility of the National Government to regulate aspects related to the operation of the NSS, in order to fulfill the objective of providing the society and the State with quality official national and regional statistics, by virtue of the standards contained in Article 160.

That, in accordance with the above, it becomes necessary to regulate Article 160 of Law 1753 of 2015.

**DECREES:**

**Article 1.** Be it that Title 3 is added to part 2 of book 2 of Decree 1170 of 2015 Single Decree of the Administrative Sector of Statistical Information, in the following terms:

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<sup>1</sup> All for a new country

## Title 3 National Statistical System

### Chapter 1. Organization of the national statistical system

**Article 2.2.3.1.1. Definitions.** For the purposes of this Decree the following definitions are adopted:

**Statistical process:** The systematic set of activities aiming toward the production of statistics, including, among others, the detection of needs, the design, collection, processing, analysis and dissemination.

**Statistical operation:** The application of a statistical process on an object of study that leads to the production of statistical information.

**Statistical information:** The set of results and the documentation that supports them, which are obtained from statistical operations and which describe or express characteristics with respect to an element, phenomenon or object of study.

**National Statistical System:** The coordinated set of components, which in an organized and systematic manner, ensures the production and dissemination of official statistics at the national and regional level required by the country. Its components are the entities or organizations that integrate it, users, processes and technical instruments for the coordination, policies, principles, sources of information, technological infrastructure and human talent.

**Official statistics:** Statistics produced and disseminated by the entities that make up the National Statistical System (NSS), which allow knowing the economic, demographic, environmental and social situation at the national and regional levels to be taken into account for decision-making and that meet the conditions and characteristics established in Article 2.2.3.2.1 of this Decree.

**Administrative Record:** A set of data that contains information collected and kept by entities or organizations in the fulfillment of their mission-related functions or competencies.

**Statistical register:** A database resulting from the transformation or integration of one or more administrative records that are prepared to satisfy statistical needs.

**Anonymisation of microdata:** A technical process that consists of transforming the individual data of the observation units, so that it is not possible to identify the subjects or individual characteristics of the source of information, thus preserving the statistical properties in the results.

**Microdata:** Each element of the data with respect to the characteristics of the units of study of a population (individuals, households and establishments, among others) that are consolidated in a database.

**Article 2.2.3.1.2. Objectives of the national statistical system (NSS).** In the development of Article 160 of Law 1753 of 2015, the NSS shall have the following objectives:

1. To ensure the production and dissemination of official statistics in accordance with internationally accepted standards.
2. To promote knowledge, access and use of official statistics as well as the associated information.
3. To foster the strengthening as well as the extensive and intensive use of administrative records as a source for the production of official statistics and the improvement of their quality and consistency.
4. To foster innovation in the production and dissemination of official statistics and in the statistical use of administrative records in the country.
5. To promote, among the members of the NSS, the access to and use of microdata for the production and dissemination of official statistics, and for the strengthening of the quality and consistency thereof.
6. To foster the integration of statistical frameworks and geo-spatial information in the production and dissemination of official statistics.
7. To promote the timely dissemination of official statistics.
8. To foster the preservation of official statistical series and of associated databases.
9. To promote the coordination and cooperation among the members of the NSS and with international organizations for the production and dissemination of official statistics, the statistical use of administrative records as well as to facilitate the exchange of statistical information, including at the micro-data level.
10. To foster the cooperation among the members of the NSS in the design and development of methodologies and the integration and interoperability mechanisms for the exchange of information, which contribute to the generation of official statistics and to the strengthening of the quality and consistency thereof.

**Article 2.2.3.1.3. National Advisory Council of Statistics (CANE).** The National Advisory Council of Statistics shall consist of:

1. The Minister of Finance and Public Credit or a deputy minister duly delegated;
2. The General Manager of the Central Bank or a deputy manager duly delegated;
3. The Director of the National Planning Department or the Deputy Director of Sectors or the Deputy Director of Territories and Public Investment, duly delegated by the former;
4. The Director of the National Administrative Department of Statistics;

5. The National Registrar or a Delegate Registrar duly delegated for this purpose;
6. A Governor delegated by the National Federation of Departments;
7. A mayor delegated by the Colombian Association of Capital Cities;
8. The Executive Director of the Colombian Observatory of Science and Technology;
9. The Accountant general;
10. A representative of the universities elected by the other members of the National Advisory Council of Statistics (CANE), of a group of three sent by the Colombian Association of Universities (ASCUN);
11. A delegate of the Trade Council.

The National Advisory Council of Statistics (CANE) will meet at least twice a year or extraordinarily when required, it will be chaired by whoever is established in its regulations and DANE will exercise the role of Technical Secretary.

**Paragraph.** The National Advisory Council of Statistics (CANE) may invite to its meetings representatives from both the public and private sectors, when their presence is required, who will have a voice and will be able to present the aspects that they consider relevant regarding the topics to be discussed. Likewise, the Council may set up technical working groups when they are required for the production and dissemination of official statistics.

**Article 2.2.3.1.4. Functions of the CANE.** The following are functions of the Council:

1. To issue general guidelines for the preparation of the National Statistical Plan and approve said Plan and its modifications.
2. To issue technical opinions with respect to the National Code of Good Practices for official statistics.
3. To Issue guidelines that facilitate the coordination between members of the NSS and compliance with their obligations in accordance with Article 160 of Law 1753 of 2015.
4. To promote in the National Statistical System the efficiency, coherence and comparability in the production and dissemination of official statistics as well as the statistical use of administrative records.
5. To issue recommendations on the requirements that will be part of the quality assessments of official statistics.
6. To agree upon the exchange of information at the microdata level in accordance with the provisions set forth in paragraph 4 of Article 160 of Law 1753 of 2015.

**Paragraph.** The National Advisory Council of Statistics (CANE) will issue its own regulations.

**Article 2.2.3.1.5.** Technical Statistical Committee. The National Advisory Council of Statistics (CANE) shall have a Statistical Technical Committee whose function will be to prepare and review the different issues that will be presented to the Council.

It shall consist of one delegate from each of one of the entities that are part of the Council.

**Article 2.2.3.1.6. Obligations of the members of the national statistical system (NSS)**

The members of the NSS shall:

1. Participate in the formulation processes of national statistical plans.
2. Implement the strategies and actions established in the National Statistical Plan.
3. Comply with the principles and good practices, in accordance with Articles 2.2.3.2.2 and 2.2.3.2.3 of this Decree.
4. Ensure the production and timely dissemination of official statistics, as well as the maintenance of administrative records in the area of competence of the entities responsible for them and in accordance with the National Statistical Plan.
5. Prepare and develop in coordination with DANE, the diagnoses and plans to strengthen administrative records that will be transformed into statistical records or have potential statistical use. The foregoing shall not imply modifications to the primary purpose of the Administrative record.
6. Make available to DANE, free of charge, the complete databases, with a detailed description of their characteristics and fields, of the administrative records that are requested by DANE for the production and dissemination of statistics, for which the legal reserve would be exercisable in accordance with the terms set forth in Article 27 of Law 1437 of 2011 and paragraph two of Article 160 of Law 1753 of 2015. In any case, DANE shall guarantee the reserve and confidentiality of the information when it is of a reserved nature, as well as the terms provided for in Titles II, III and IV of Law 1266 of 2008, Law 1581 of 2012 and Law 1712 of 2014.
7. Implement the guidelines, good practices, norms and technical standards defined by DANE, supported in international benchmarks, for the production and dissemination of statistics and for the statistical use of administrative records in order to ensure the quality of official statistics.
8. Document and disseminate the methodologies used for the generation of official statistics according to the guidelines established for this purpose.
9. Meet the obligations stemming from the evaluations and quality requirements established for the NSS and the Annual Statistical Quality Evaluation Plan in accordance with Article 2.2.3.2.6 of this Decree.
10. Share statistical information that is required for the production and dissemination of official statistics and for the permanent updating of the national geo-statistics

framework.

11. Submit to the National Advisory Council of Statistics, through its Technical Secretariat, the requirements for the exchange of information at the microdata level in accordance with Article 2.2.3.3.4 of this Decree.
12. To summons DANE, in its capacity as the governing and coordinating body of the NSS, when commissions, committees, working groups or other inter-institutional scenarios for technical agreement, involving any aspect of the production and dissemination of statistics, in order to promote the coordination and the application of statistical guidelines.
13. Delegate an area or division as the official interlocutor of the entity with the NSS, in charge of interacting with DANE for the execution of the activities required to fulfill the objectives of the National Statistical System.

**Article 2.2.3.1.7. Functions of DANE as the governing body of the NSS.** In its capacity as the governing body of the NSS, DANE, an entity with professional independence, shall perform the following functions with respect to the NSS according to Article 160 of Law 1753 of 2015:

1. To formulate the National Statistical Plan, in coordination with the members of the NSS, and submit it to the National Advisory Council of Statistics for approval.
2. To follow up on the execution of the National Statistical Plan and the implementation of guidelines, norms, technical standards and good statistical practices and report annually to the National Advisory Council of Statistics.
3. To prepare the National Code of Good Practice for Official Statistics and issue it per the prior opinion of the National Advisory Council of Statistics.
4. To develop, in coordination with entities of the NSS, diagnoses and strengthening plans with respect to administrative records for their statistical use.
5. To formulate, in coordination with the members of the NSS, strategies for innovation in the development of administrative records and in the production and dissemination of the official statistics required in the country that will be part of the National Statistical Plan.
6. To define the guidelines, norms and technical standards for the production and dissemination of official statistics and for the statistical use of administrative records, taking into account international benchmarks. DANE may request comments and suggestions from CANE on guidelines, norms and technical standards.
7. To advise members of the NSS in the implementation of guidelines, norms and technical standards for the production and dissemination of official statistics and for the statistical use of administrative records.
8. To develop and disseminate the Annual Quality Evaluation Plan for Statistics.

9. To establish and make available to the general public the National Geo-Statistical Framework for the production and dissemination of official statistics.
10. To create coordination scenarios such as national and regional inter-institutional statistical working groups in order to coordinate the actions that the members of the NSS develop for the fulfillment of their obligations.
11. To take part in the inter-institutional scenarios where statistical matters of the national level are discussed.

## **CHAPTER 2**

### **Pertaining to the production and dissemination of official statistics**

**Article 2.2.3.2.1. Conditions and characteristics of official statistics.** In development of Article 160 of Law 1753 of 2015 and within the framework of the National Statistical System, Official Statistics shall meet the following requirements:

1. That the statistical operation that generates the official statistics is incorporated in the National Statistical Plan.
2. That the statistical operation that generates the official statistics has passed the statistical quality evaluation established for the NSS.

**Paragraph.** When available, official statistics shall be of mandatory use by government entities in documents pertaining to policy, plans, programs, and projects as well as for the transmission of information of the country to international organizations. The foregoing, without prejudice to the provisions of regulations of a special nature governing aspects related to official statistics.

**Article 2.2.3.2.2. Principles governing official statistics.** Be it that the Fundamental Principles of Official Statistics issued by the United Nations Organization and their updates are adopted.

**Article 2.2.3.2.3. Good practices for the production of statistics.** DANE, per the prior opinion of the National Advisory Council of Statistics, shall issue the National Code of Good Practices for Official Statistics applicable to the production and dissemination of official statistics.

**Article 2.2.3.2.4. National Statistical Plan.** The national statistical plan shall be the document that establishes the strategic guidelines and actions for the development of the statistical production and dissemination taking into account the information needs of the country, including differential approaches. The Plan will include the provision of statistical operations, demand for information, information exchange requirements between the members of the NSS and strategies with respect to the results of the statistical operations.

**Article 2.2.3.2.5. Evaluation of the quality of statistics.** DANE shall establish, upon submission to the National Advisory Council of Statistics, the requirements for the quality evaluation of the statistics, which will be oriented exclusively to the statistical process.

Moreover, DANE shall establish the methodology for evaluating the quality of statistics, which shall be transparent, objective and impartial. The methodology shall always include the opinion of a commission of independent experts. DANE may request comments and suggestions on the evaluation methodology to the CANE.

In no case shall the evaluation of the quality of statistics interfere in the purposes for which the statistical operation was created nor shall it alter the data obtained by the members of the NSS in the statistical processes that they develop.

**Paragraph One.** The evaluation of the quality of the statistics shall include the diagnosis of the administrative record when it is used as a source for their production.

**Paragraph Two.** Statistical operations performed in the country only once prior to the date of issuance of this decree, for a specific purpose and whose results remain inputs for Public Policies, shall be considered to be official statistics. In the event that the Statistical Operation is to be performed again, its status as Official Statistics shall be maintained provided that it meets the conditions indicated in sub-sections 1 and 2 of Article 2.2.3.2.1 of this decree.

**Transitory paragraph.** As long as the requirements of the quality evaluation of statistics are presented to the National Advisory Council of Statistics, DANE shall continue to apply those established in accordance with the current methodology.

**Article 2.2.3.2.6. Annual plan for the evaluation of the quality of statistics.** DANE shall formulate the Annual Plan of Evaluation of the Quality of Statistics, in which the statistical operations, including those produced by DANE, shall be defined, whose process will be evaluated in the following term. The entities responsible for statistical operations that are included in the Annual Evaluation Plan shall be informed once such Plan is formulated and issued.

**Article 2.2.3.2.7. Costs of quality evaluation of statistics.** The cost of the evaluations included in the Annual Statistical Quality Evaluation Plan shall be defined and published by DANE and assumed by each entity charged to its budget; the foregoing in order to comply with the obligation established in paragraph one of Article 160 of Law 1753 of 2015, according to which the members of the NSS "will meet the obligations derived from the evaluations and statistical quality requirements established by DANE".

### CHAPTER 3

#### Administrative records and exchange of statistical information

**Article 2.2.3.3.1. Access to administrative records:** DANE may request of the members of the NSS the administrative records required for the production of the official statistics or the strengthening of the quality and consistency thereof. Such request shall contain at least the variables, period and associated documentation required and the purpose for which the information will be used.

The databases of administrative records statistically enriched by DANE, may be returned by the latter to the responsible entity or administrator of the former, with the restrictions provided for in the law, if the responsible or administrator so requests.

**Article 2.2.3.3.2. Making statistical records available.** The databases of the statistical records produced by DANE, resulting from the use or integration of administrative records, which by their nature do not have any type of reserve, may be disseminated by the latter. In the event in which they are reserved, DANE may make them available to the public after anonymization, from transformed databases that preserve the same characteristics as the originals.

**Paragraph.** DANE will prepare a report with respect to the publication of the databases of administrative records that it has used statistically. This report shall be brought to the attention of those responsible or administrators of said databases.

**Article 2.2.3.3.3. Exchange of statistical information:** The exchange of statistical information between members of the NSS shall be carried out in accordance with the provisions set forth in Article 227 of Law 1450 of 2011 amended by Article 159 of Law 1753 of 2015 and pursuant to Article 45 of Law 1753 of 2015.

**Article 2.2.3.3.4. Exchange of statistical information at the microdata level.** In the case of confidential statistical information at the microdata level, and provided that the purpose of the exchange is the production of official statistics and / or the strengthening of the quality and coherence thereof, the exchange request shall be submitted by the member of the NSS to DANE, who will take it to the National Advisory Council of Statistics for enquiry. The application shall contain the following:

1. The detail on the statistical information required.
2. The need for which statistical information is required.
3. The mechanisms available to the requesting party in order to safeguard the confidentiality and reserve of information.
4. The benefits of the project where the information will be used for the statistical development of the country.

For the agreement, the National Advisory Council of Statistics shall analyze the need supporting the request, the mechanisms of the requesting party to safeguard the confidentiality and reserve of information and the benefits of the project where the information will be used for the statistical development of the country. The National Advisory Council of Statistics shall determine the procedure for processing and agreeing upon the exchange of information, which shall be part of its regulations.

When the request of exchange obeys to a recurrent need of the requesting entity, once the exchange of information is agreed upon in the National Advisory Council of Statistics, the exchange can be done from that point on without having to submit a new request.

The members of the NSS who have access to the statistical information referred to in this article are responsible for safeguarding the confidentiality and reserve thereof and ensuring the use that was agreed upon in the National Advisory Council of Statistics, subject to legal action as appropriate.

**Paragraph.** DANE may establish alternative models of access to the data to be exchanged when they are in the custody or administration of a private entity.

**Article 2.2.3.3.5. Confidentiality.** The entities that make up the NSS, as well as their public servants and other natural or legal persons who participate in the production and dissemination of official statistics, access information or participate in the exchange of information, shall keep the confidentiality of the data that allows the identification and / or spatial location of the sources, where they were collected exclusively for the production of official statistics and for statistical purposes; subject to legal action as appropriate.

**Paragraph.** DANE shall submit, for recommendations of the National Advisory Council of Statistics, the guidelines for the safeguarding of confidentiality and the reserve of information to be implemented by all the entities of the NSS.

**Article 2.2.3.3.6. Transitory one.** The first National Statistical Plan referred to in paragraph three of Article 160 of Law 1753 of 2015 shall be prepared and issued in a term no longer than 6 months as of the publication of this decree.

**Article 2.2.3.3.7. Transitory two:** As of the issuance of the first National Statistical Plan referred to in the previous article, official statistics will be considered those that comply with the requirement established in sub-section 1 of Article 2.2.3.2.1. As of the issuance of the second National Statistical Plan, Article 2.2.3.2.1 shall apply in its entirety.

**Article 2.2.3.3.8. Field of application.** The provisions contained in this title apply to the members of the NSS defined in Article 160 of Law 1753 of 2015.

**Article 2. Repeal.** The present decree repeats the sub-section g of Article 2 and sub-section 6 of Article 6 of Decree 262 of 2004, Chapter 2 of Title 1 of Part 2 of Book 2 of Decree 1170 of 2015, Single Regulatory Decree of the Administrative Sector of Statistical Information.

**Article 3. Term.** This Decree governs from the date of its publication.

**BE IT HEREBY PUBLISHED AND EXECUTED**

Given in Bogotá on the day  
1st of November, 2016

**THE TECHNICAL VICE-MINISTER OF THE MINISTRY  
OF FINANCE AND PUBLIC CREDIT, IN CHARGE OF  
THE FUNCTIONS OF THE MINISTRY OF FINANCE AND  
PUBLIC CREDIT**

**ANDRÉS ESCOBAR ARANGO**

**THE DIRECTOR OF THE NATIONAL PLANNING  
DEPARTMENT**

**SIMÓN GAVIRIA MUÑOZ**

**THE DIRECTOR OF THE ADMINISTRATIVE  
DEPARTMENT OF PUBLIC SERVICE**

**LILIANA CABALLERO DURÁN**

**THE DIRECTOR OF THE ADMINISTRATIVE  
DEPARTMENT OF STATISTICS**

**MAURICIO PERFETTI DEL CORRAL**