

# *The Statistics Act*

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Chapter S-58 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 2001, c8; 2019, c25; and 2021, c29.*

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER S-58

### An Act respecting Statistics

#### Short title

1 This Act may be cited as *The Statistics Act*.

#### Interpretation

2 In this Act:

- (a) “**department**” includes a ministry, board, commission or agency of the Government of Saskatchewan;
- (b) “**director**” means the Director of Statistics designated under section 3;
- (c) “**minister**” means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (d) “**respondent**” means a person or a department in respect of whom or which or in respect of whose activities any report or information is sought or provided pursuant to this Act;
- (e) “**return**” means the record of any report or information provided by a respondent;
- (f) “**Statistics Canada**” means the statistics bureau referred to in the *Statistics Act* (Canada).

RSS 1978, cS-58, s2; 2019, c25, s32.

#### Director

3 The minister shall designate a person employed by the government under the minister to be the Director of Statistics for the purposes of this Act and to carry out the duties of the director under this Act.

RSS 1978, cS-58, s3.

#### Powers of director

4(1) Subject to the approval of the minister, the director may plan, promote and develop integrated social and economic statistics relating to the province or the government or both and in particular may:

- (a) collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and condition of the province and persons in the province;
- (b) collaborate with or assist departments in the collection, compilation and publication of statistical information, including statistics derived from the activities of those departments; and
- (c) promote the establishment of appropriate standards and the avoidance of duplication in the information collected by the departments.

(2) In addition to the powers of the director under subsection (1), the minister may authorize the director to collect, compile, analyse, abstract and publish such other statistics or statistical information as the minister considers necessary.

RSS 1978, cS-58, s 4.

#### Staff

5(1) The minister shall provide the director with such clerical, technical or professional staff as may be required for the administration of this Act.

(2) The minister may employ or engage persons on a temporary basis for the purpose of assisting with any matter, project or program undertaken by the director or under this Act and those persons shall for the purposes of this Act be deemed to be employed under this Act while so employed or engaged.

(3) The minister may, for such period as he may determine, use the services of any employee in the public service of the Province of Saskatchewan in the exercise or performance of any duty, power or function under this Act, and any employee whose services are so used shall, for the purposes of this Act, be considered to be a person employed under this Act.

(4) The minister may retain any person under contract to perform special services pursuant to this Act, and a person so retained and the employees and agents of that person shall, for the purposes of this Act, be considered to be employed under this Act while performing those special services.

RSS 1978, cS-58, s 5.

#### Rules, etc., of minister

6 The minister may prescribe such rules, instructions, schedules and forms as may be necessary for the administration of this Act and for the collecting, compiling and publishing of statistics and other information.

RSS 1978, cS-58, s 6.

#### Oath of secrecy

7(1) The director and every person employed for the purposes of this Act or employed or engaged in any matter, project or program to which this Act applies shall, before commencing that person's duties, take and subscribe an oath or affirmation in the following form:

"I, \_\_\_\_\_, do solemnly swear (*or affirm*) that I will faithfully and honestly fulfil my duties as an employee of The Government of Saskatchewan in conformity with the requirements and provisions of *The Statistics Act*, and all rules and instructions thereunder and that I will not without due authority disclose or make known any matter or thing that comes to my knowledge in the exercise of my powers or performance of my duties under that Act".

(2) The oath or affirmation mentioned in subsection (1) shall be taken before a notary public or a commissioner for oaths.

RSS 1978, cS-58, s 7; 2021, c29, s 12.

**Discrimination prohibited, etc.**

8(1) Neither the minister, the director nor any other person employed for the purposes of this Act shall, in the performance of the functions or the execution of the powers conferred by this Act, discriminate between individuals or companies to the prejudice of any such individuals or companies.

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

RSS 1978, cS-58, s8.

**Access to public records**

9 Every person who has the custody or charge of any departmental, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained or which would aid in the completion or correction thereof, shall grant to the director or to a person authorized by the director for the purpose access thereto for the obtaining of such information therefrom.

RSS 1978, cS-58, s9.

**Evidence of appointment, etc.**

10 Any document purporting to be signed by the minister or the director that refers to any appointment or removal of or setting forth any instructions to, any person employed in the administration of this Act is *prima facie* evidence of the appointment, removal or instructions and that the document was signed and addressed as it purports to be.

RSS 1978, cS-58, s10.

**Secrecy**

11(1) Except as otherwise permitted by this section and except for the purposes of a prosecution under this Act:

(a) no person, other than a person employed or engaged under this Act and sworn under section 7, shall be permitted to examine any identifiable individual return made for the purpose of this Act; and

(b) no person who has been sworn under section 7 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable person, business or organization.

(2) Subject to subsection (1), the director or any other person employed for the purposes of this Act shall not use any powers under this Act so as to in any way restrict the free communication of information to departments and persons who are rightfully entitled to the information.

(3) The minister may authorize:

(a) the particulars of any information obtained in the course of administering this Act to be communicated to Statistics Canada pursuant to an agreement under section 13; or

- (b) the particulars of any information collected jointly with a department, corporation or organization pursuant to an agreement under section 14 to be communicated to the department, corporation or organization that was party to the collecting of the information.
- (4) The director may authorize the disclosure of:
- (a) information collected by persons, organizations or departments for their own purposes and communicated to the director but the information when communicated to the director shall be subject to the same secrecy requirements to which it was subject when collected and may only be disclosed by the director in the manner and to the extent agreed upon by the collector thereof and the director;
  - (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 statute or other law;
  - (e) information in the form of an index or list of:
    - (i) the names and locations of individual establishments, firms or businesses;
    - (ii) the products produced, manufactured, processed, transported, stored, purchased or sold, or the services provided, by individual establishments, firms or businesses in the course of their business; or
    - (iii) the names and addresses of individual establishments, firms or businesses that are within specific ranges of numbers of employees or persons engaged or constituting the work force.

RSS 1978, cS-58, s 11; 2021, c 29, s 12.

**Protection of returns**

**12(1)** Except for the purposes of a prosecution under this Act, a return made to the director pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings whatever, and no person sworn under section 7 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.

(2) This section applies in respect of any information that the director is prohibited by this Act from disclosing or that may only be disclosed pursuant to an authorization under subsection (3) or (4) of section 11.

RSS 1978, cS-58, s 12.

**Agreements with Statistics Canada**

**13** Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an agreement with Statistics Canada for the exchange with or transmission to Statistics Canada of:

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

RSS 1978, cS-58, s 13; 2001, c 8, s 21.

**Agreements with municipalities, etc.**

**14(1)** The minister may enter into agreements with a city, town or other municipality, a corporation or an organization for the exchange of information collected jointly with any one of them and for subsequent tabulation or publication based on such information.

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

- (a) the respondent shall be informed that the information is being collected jointly on behalf of the director or other party to the agreement by a notice to that effect; and
- (b) the agreement shall not apply in respect of any respondent who gives notice in writing to the director that he objects to the sharing of information between the director and the other party to the agreement.

(3) An exchange of information pursuant to an agreement under this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the director and the other party jointly collecting the information.

RSS 1978, cS-58, s 14.

**Offences and penalties**

**15** Every person who, after taking the oath or affirmation set out in section 7:

- (a) wilfully makes any false declaration, statement or return in the performance of the person's duties;
- (b) in the purported performance of assigned duties, obtains or seeks to obtain information that the person is not authorized to obtain;
- (c) contravenes clause (b) of subsection (1) of section 11;
- (d) wilfully discloses or divulges directly or indirectly to any person not entitled under this Act to receive the same, any information obtained in the course of the person's employment that might exert an influence upon or affect the market value of any stocks, bonds or other security or any product or article; or
- (e) uses any such information for the purpose of speculating in any stocks, bonds or other security or any product or article;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

RSS 1978, cS-58, s 15; 2021, c 29, s 12.

**Failure to provide information, etc., offence**

**16** 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 that person by any person employed or engaged under this Act; or
- (b) refuses or neglects to provide any information or to complete to the best of that person's knowledge and belief any schedule or form that that person has been required to complete, and to return the schedule or form when and as required pursuant to this Act, or knowingly gives false or misleading information or practices any other deception based on that false or misleading information;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000.

RSS 1978, cS-58, s 16; 2021, c 29, s 12.

**Failure to grant access to documents offence**

**17** Every person:

- (a) who, having the custody or charge of any departmental, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained or that would aid in the completion or correction thereof, refuses or neglects to grant access thereto to the director or to any person authorized for the purpose by the director; 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 \$1,000.

RSS 1978, cS-58, s 17.

**False representation, offence**

**18** Every person who falsely represents to be making an inquiry under the authority of this Act or under the authority of the minister or director is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.

RSS 1978, cS-58, s 18; 2021, c 29, s 12.

**Appropriation**

**19** Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose.

RSS 1978, cS-58, s 19.