

Decree No. 3110/70
Regulatory provision
of Law No. 17622

Buenos Aires, December 30, 1970

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HAVING REGARD TO Law No. 17622, which creates the National Statistical System, and

WHEREAS it is necessary to regulate the provisions of such Law so that it can be applied immediately

Now, therefore,

THE PRESIDENT OF THE ARGENTINE NATION ORDERS AND DECREES AS FOLLOWS:

I. THE NATIONAL STATISTICAL SYSTEM

SECTION 1.- The statistical services of all national, provincial and local public entities –centralized and decentralized administration and state-owned corporations– shall fulfill the responsibilities assigned to them by the National Institute of Statistics and Censuses, which is in charge of managing the Annual Program of Statistics, with a view to complying with such Program.

II. THE NATIONAL INSTITUTE OF STATISTICS AND CENSUSES

SECTION 2.- The National Institute of Statistics and Censuses (INDEC, for its Spanish acronym) has the following responsibilities:

(a) Preparing the Annual Program of Statistics and Censuses of the National Statistical System and submitting it for the consideration of the Secretariat of the National Council for Development and the subsequent approval of the Executive. The Annual Program of Statistics and Censuses shall be accompanied with a budget, on a per program basis, in order to enable the proper assessment of resource allocation within the system.

(b) Preparing the INDEC's annual budget of expenses and resources and submitting it for the consideration of the Secretariat of the National Council for Development and the subsequent approval of the Executive.

(c) Conducting the process leading to the carrying out of the tasks included in the Annual Program of Statistics and Censuses in the time and manner required, for which purposes the INDEC:

(I) Distributes the areas of responsibility in terms of statistics, censuses and surveys among the services that compose the National Statistical System (SEN, for its Spanish acronym);

(II) Prepares and establishes the methods, technical provisions, procedures, definitions, classifications, codes, questionnaires and instructions, formulas, cartography and all other methodological requirements to be met in the process aimed at surveying, processing, presenting, producing and analyzing permanent statistics, censuses and special surveys;

(III) Establishes the schedule to conduct the abovementioned activities;

(IV) Coordinates and controls the duties assigned to the central and peripheral statistical services, subjecting them to the principle of regulatory centralization and executive decentralization;

(V) Analyzes the results obtained by the statistical services, approving them or causing them to be reviewed.

- (d) Requiring that the central and peripheral statistical services submit reports from time to time about their operations, as well as the tasks carried out by them, in order to provide them with assistance and advice to improve their technical level and enhance the processes of collection, production and publication of statistical data.
- (e) Taking such steps as required to perform, on a temporary basis, the duties assigned to central and peripheral statistical services when such services lack the necessary technical capacity to do so.
- (f) Reinforcing, according to funding availability, the budgets of the peripheral statistical services.
- (g) Sponsoring and/or conducting research programs in mathematical statistics, econometrics, demography and other social sciences.
- (h) Coordinating training programs aimed at increasing the technical and scientific level of the SEN's staff.
- (i) Leading the collection, assessment and preparation of the information required to produce the statistics assigned by the INDEC to the Annual Program of Statistics and Censuses.

III. CENTRAL AND PERIPHERAL STATISTICAL SERVICES

SECTION 3.- The central and peripheral statistical services shall have the following responsibilities, as far as the Annual Program of Statistics and Censuses is concerned:

- (a) Abide by the guidelines laid down by the INDEC.
- (b) Carry out the duties assigned to it, in collaboration and coordination with the other bodies of the SEN.
- (c) Impose sanctions for the violations to Law No. 17622 and its regulatory provisions.
- (d) Strictly comply with, and enforce, the duty of statistical secrecy.
- (e) Report to the INDEC on the following aspects:
 - (I) Before each 31 March, the draft program of tasks for the following year, together with the corresponding budget of resources;
 - (II) Before each 31 July, the results of the steps and processes to obtain the resources necessary to complete the tasks indicated in paragraph (i), so that the INDEC can adopt the relevant measures to ensure the performance of the duties set forth in the Annual Program of Statistics and Censuses;
 - (III) The four-monthly information on the status of the tasks assigned under the Annual Program of Statistics and Censuses, the delays and reasons therefor, as well as the measures adopted to overcome them.
- (f) Before each 30 June, submit a report to the INDEC on the expenses actually made in connection with the performance of the tasks included in the Annual Program of Statistics and Censuses for the prior year, as well as the expenditure amounts incurred in other statistical duties falling outside such Program.
- (g) Make available to the INDEC a copy of the statistics compiled by them other than those included in the Annual Program of Statistics and Censuses.

SECTION 4.- The peripheral statistical services that received funds, as per the provisions of section 2(f), shall submit four-monthly accountability reports to the INDEC, along with the relevant certificates and proof required by the Argentine Audit Law, and a detailed report on the status of the duties performed employing such funds.

IV. THE ANNUAL PROGRAM OF STATISTICS AND CENSUSES

SECTION 5.- The Annual Program of Statistics and Censuses comprises the set of duties and responsibilities related to national censuses, permanent statistics, special surveys, and the operation of national records.

SECTION 6.- It is the INDEC's authority to determine the statistical series that will compose the Annual Program of Statistics and Censuses, along with the participation of the appropriate bodies of the SEN in order to attain efficiency and coordination.

V. NATIONAL CENSUSES AND SURVEYS

SECTION 7.- National censuses shall be held as follows:

(a) Censuses of population, family, and housing shall be held decennially, in years ending in "zero".

(b) Farming censuses shall be held quinquennially, in years ending in "two" and "seven".

(c) Economic censuses shall be held quinquennially, in years ending in "three" and "eight".

SECTION 8.- The INDEC shall be responsible for programming, conducting, surveying, processing and publishing the national censuses included in the Annual Program of Statistics and Censuses, in collaboration with the SEN's statistical services. The INDEC shall establish the schedules, methods, questionnaires and all other applicable methodological and organizational guidelines, provide the forms to be used, give the relevant directions and provide the technical and material assistance that may be required.

SECTION 9.- The authorities of all national, provincial and local bodies, the Armed Forces and the security forces shall provide their assistance in census surveying, making available their staff, premises, fixtures, vehicles and all other elements that the INDEC may require for such purposes.

SECTION 10.- Whenever a law declares that census activity shall be a public burden, the persons so appointed shall be bound thereby, pursuant to the first paragraph of section 14 of Law No. 17622. Only those who are unable to perform such appointed office for justified reasons shall be exempted from such burden. It shall be INDEC's duty to determine the time and place at which the census duty shall be performed.

SECTION 11.- In the cases and within the terms established for such purposes, national, provincial and local offices and banking institutions shall require, without exception and as a prerequisite to any transaction or proceeding, that the person responsible for the statement produce the relevant "certificate of census compliance".

SECTION 12.- The census information shall be completed, extended and updated with the information obtained from special surveys.

SECTION 13.- It is the INDEC's responsibility to plan and conduct the special surveys assigned to it under the Annual Program of Statistics and Censuses, as well as to oversee and/or plan the surveys conducted in the services that compose the SEN when so requested by them.

VI. STATISTICAL SECRECY

SECTION 14.- Individual statements and/or information shall not be communicated to third parties –even if they are judicial authorities or official services other than the SEN's –, nor shall they be used, disseminated or published in such a way that enables the identification of the individual or entity making the statement or providing the information.

SECTION 15.- Peripheral statistical services may have access to the individual information gathered by the central statistical services on condition that they are based on legal instruments that establish the same obligation, prohibition and punishment regime to safeguard statistical secrecy.

VII. INFRACTIONS

SECTION 16.- Any violation to the provisions of Law No. 17622 shall be punished in accordance with the provisions established therein after the filing of administrative proceedings, where the right of defense shall be safeguarded and the nature of the infraction, the records of the offender and the harm caused shall be assessed.

SECTION 17.- If the violation occurs within the jurisdiction of a central statistical service, the proceeding shall be filed by the head of the service, who shall also apply the relevant sanction. If the violation occurs within the jurisdiction of a peripheral statistical service, the head of the service shall give notice of the violation to the purported offender and shall forward the case file to the head of the provincial statistical service, who shall institute the proceedings and apply the relevant sanction.

SECTION 18.- Notice of the act or omission constituting the violation may be given by way of a record, certified letter with special return receipt, or registered telegram. The notice shall specifically contain the act or omission attributed to the purported offender, and warn that the purported offender shall file an answer in writing and offer or furnish such evidence as relevant to his or her defense within 15 days thereafter. The proceedings shall be deemed started with the record, letter or telegram, which shall be considered sufficient and valid unless evidence to the contrary is furnished.

SECTION 19.- After the answer has been filed and the offered evidence has been produced, or if the purported offender has failed to enter an appearance within the abovementioned term, the proceedings will be closed; the head of the statistical service shall issue a grounded resolution within 10 days, which may be notified by certified letter with special return receipt.

SECTION 20.- Within 15 days after notice of the resolution, offenders or persons held liable may file:(a) a motion for review with the same administrative authority that applied the sanction;(b) an appeal, when applicable, with a federal court of appropriate jurisdiction.The petitioner may only opt for one of the abovementioned remedies. If such remedies are not filed within the abovementioned term, the resolutions shall be final and have res judicata effect.

SECTION 21.- Upon filing of the motion for review, the head of the statistical service shall consider the petitioner's allegations and shall cause the relevant steps to be taken. Based on the new elements gathered, the head of the service shall render a new grounded resolution within 10 days, and shall give notice thereof to the interested party by way of a certified letter with special return receipt.

SECTION 22.- Penalties of up to two hundred Argentine Pesos (ARS 200) shall not be appealed. Penalties in excess of such amount may be appealed to the federal court of appropriate jurisdiction within the peremptory term of 15 days from the date notice of the administrative resolution is given. In this case, the administrative file shall be forwarded to the court within 10 days after receipt of the official letter requesting that the file be forwarded.

SECTION 23.- Penalties shall be paid within eight (8) days after the relevant administrative resolution or judicial decision has become final. The payment thereof shall be made through a deposit at the Banco de la Nación Argentina, at the head office or any of its branches, into the account called "National Institute of Statistics and Censuses – Penalties". The payment of the penalty does not release the offender from presenting the statistical or census information that led to the sanction.

SECTION 24.- The failure to pay the penalties within the abovementioned time period clears the way for seeking collection in the federal courts as per the procedure established in Argentina's Code of Civil and Commercial Procedure to seek tax collection.

SECTION 25.- The INDEC shall not seek the payment of time-barred penalties, unless the offender has expressly or impliedly waived the right available under the statute of limitations.

SECTION 26.- In legal proceedings based on the violations to Law No. 17622, the SEN statistical services shall be represented by the following counsel:

(a) In the City of Buenos Aires, by the legal counsel of the body to which the statistical service in charge of the infringed statistical or census information belongs.

(b) In areas other than the City of Buenos Aires, by the abovementioned legal counsel or by a federal Attorney General, at the election of the acting statistical service.

SECTION 27.- Any violation to Law No. 17622 by a SEN official shall be, after instituting the relevant proceeding, reported to the appropriate federal courts in order to apply the sanctions set forth in sections 14 and 17 of such Law, regardless of the administrative sanction imposed by the authority to which the official reports.

VII. INDEC DIRECTOR

SECTION 28.- The INDEC's Director shall have a hierarchy equivalent to that of an Undersecretary of State, and shall be vested with the following powers and subject to the following duties:

(a) Comply with and enforce Law No. 17622, its regulatory provisions and INDEC's internal rules.

(b) Be in charge of INDEC'S administrative and technical direction.

(c) Be the legal representative for the INDEC in all contracts and acts.

(d) Submit the draft Annual Program of Statistics and Censuses.

(e) Submit the draft annual budget of INDEC's expenses and resources.

(f) Cause the national, provincial and local authorities to take such steps as required to improve and extend their statistical services and the provision of funds to ensure the normal fulfillment of their responsibilities.

(g) Preside over the juries in exam and/or qualification-based competitive processes.

(h) Cause:

(I) that technical staff be hired and promoted;

(II) that administrative and cleaning/maintenance staff be hired;

(III) that Argentine or foreign experts be hired to conduct studies, research or statistical tasks;

(IV) that staff for temporary, special or extraordinary tasks be hired, establishing the terms and conditions of their employment and pay as per the administrative provisions in force.

(i) Issue fellowship regulations.

- (j) Impose sanctions on those who violate Law No. 17622 and its regulatory provisions.
- (k) Call meetings with SEN's members when considered necessary.
- (l) Establish the plan of non-periodic publications as per the Annual Program of Statistics and Censuses.
- (m) Establish the schedules of the operations to be carried out at the time of each census.
- (n) Promote the signing of agreements or contracts of statistical nature with foreign and international bodies.
- (ñ) Perform all other functions in furtherance of complying with Law No. 17622 and its regulatory provisions.

SECTION 29.- With the consent of the Secretary of the National Council for Development, the Director shall appoint an officer from INDEC, who shall provide assistance to the Director in the performance of the Director's functions, and who shall replace the Director in the case of absence or temporary impediment.

IX. STAFF

SECTION 30.- From the date of this Decree, the INDEC's technical staff shall only be appointed after completing an examination and/or qualification-based competitive process before a jury to be presided over by the Director and composed of two officers of the INDEC appointed by the Director.

SECTION 31.- Managerial and technical positions shall be filled by holders of degrees awarded by Argentine universities who have a solid background in the statistical field.

X. COURSES AND FELLOWSHIPS

SECTION 32.- The INDEC shall organize training courses for the technical staff of the SEN, for which purpose it may request the collaboration of national, foreign and international specialized centers.

SECTION 33.- The INDEC may grant training fellowships to the staff of the SEN for the courses organized as described above. Furthermore, it may cause fellowships to be granted by national, foreign and international entities, whether public or private, for the same purpose and for the benefit of such staff.

SECTION 34.- A jury composed of INDEC's Director and two officers appointed by such Director shall be in charge of selecting and appointing the fellowship beneficiaries.

SECTION 35.- The INDEC shall not grant fellowships, nor cause them to be granted, if the beneficiaries fail to meet the following requirements: the beneficiary shall have been employed in the Public Administration for one year to be entitled to take a paid or unpaid leave. Civil servants may take an unpaid leave for one year, which may be extended for one additional year under the terms and conditions set forth in Decree No. 8567/61 of the Executive. The leave provided for in the following paragraph shall not be added to this leave, as the civil servant must have been employed for one year. Civil servants may take a paid leave for such term as established from time to time. In this case, the beneficiaries shall be bound to continue working for the Statistical Service for at least three years after the end of the courses. Should they decide to stop working in the Public Administration before the end of any such term, the sanctions under section 29 of Decree No. 8567/61 may apply. The leave provided for in the preceding paragraph shall not be added to this leave.

XI. PUBLICATIONS AND INFORMATION

SECTION 36.- INDEC's permanent minimum plan of publications shall consist of the following:

- (a) Statistical Annual Directory of the Argentine Republic.

(b) Quarterly Statistical Newsletter.

(c) Statistical Information Newsletter (monthly).

SECTION 37.- Official and private publications –of any nature and frequency– that include statistical data originated in the services of the SEN shall include, without exception, the sources of such information.

SECTION 38.- Statistical and census compilations produced by or available at the INDEC or which are unpublished may be obtained in exchange for a fee.

SECTION 39.- The bodies composing the SEN that are to provide statistical or census information to international bodies or foreign governments shall first submit any such information for INDEC's approval or amendment.

SECTION 40.- Be the INDEC hereby authorized to establish the selling prices of their publications and the quotas to be delivered “free of charge” for official use and for exchange services. The volumes requested in excess of the assigned “free of charge” quota may be purchased at the official selling prices.

SECTION 41.- In order to facilitate the dissemination of statistical publications throughout Argentina, the INDEC shall deliver volumes on a “free of charge” basis to each of the SEN'S statistical services, which shall ensure that they are subsequently distributed within their respective jurisdictions.

SECTION 42.- The INDEC may require that private companies that gather statistical data submit copies of the final works in order to incorporate such series to SEN's material.

SECTION 43.- Be the INDEC hereby authorized to charge, as a fee, FIVE ARGENTINE pesos (ARS 5) per official letter and/or request for reports and copy of notarial records, in general, or certifications.

The following shall be exempted from paying such fee:

(a) Court official letters embodying a notice to INDEC.

(b) Those related to INDEC's staff.

(c) Those coming from criminal magistrates.

(d) Official letters entailing requests for additional evidence made by the courts in furtherance of reaching a better decision.

(e) Official letters and reports in cases brought in forma pauperis.

(f) Those constituting reiterations of official letters and/or requests for prior reports.

(g) The notarial records or certificates requested by national, provincial or local entities.

SECTION 44.- Be it communicated, published, sent to the National Office of Official Registration, and filed.

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